



California Regulatory Notice Register

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South Bay Regional Public Safety Training Consortium

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The *California Regulatory Notice Register* is an official state publication of the Office of Administrative Law containing notices of proposed regulatory actions by state regulatory agencies to adopt, amend or repeal regulations contained in the California Code of Regulations. The effective period of a notice of proposed regulatory action by a state agency in the *California Regulatory Notice Register* shall not exceed one year [Government Code § 11346.4(b)]. It is suggested, therefore, that issues of the *California Regulatory Notice Register* be retained for a minimum of 18 months.

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PROPOSED ACTION ON REGULATIONS

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TITLE 2. FAIR POLITICAL PRACTICES COMMISSION

NOTICE IS HEREBY GIVEN that the Fair Political Practices Commission, pursuant to the authority vested in it by Sections 82011, 87303, and 87304 of the Government Code to review proposed conflict of interest codes, will review the proposed/amended conflict of interest codes of the following:

CONFLICT OF INTEREST CODES

AMENDMENT

MULTICOUNTY: Marin Schools Insurance
Authority
Point Arena Joint Union High
School District

ADOPTION

MULTICOUNTY: Arena Union Elementary School
District
South Bay Regional Public
Safety Training Consortium

A written comment period has been established commencing on **September 10, 2010** and closing on **October 25, 2010**. Written comments should be directed to the Fair Political Practices Commission, Attention Alexandra Castillo, 428 J Street, Suite 620, Sacramento, California 95814.

At the end of the 45-day comment period, the proposed conflict of interest code(s) will be submitted to the Commission's Executive Director for his review, unless any interested person or his or her duly authorized representative requests, no later than 15 days prior to the close of the written comment period, a public hearing before the full Commission. If a public hearing is requested, the proposed code(s) will be submitted to the Commission for review.

The Executive Director of the Commission will review the above-referenced conflict of interest code(s),

proposed pursuant to Government Code Section 87300, which designate, pursuant to Government Code Section 87302, employees who must disclose certain investments, interests in real property and income.

The Executive Director of the Commission, upon his or its own motion or at the request of any interested person, will approve, or revise and approve, or return the proposed code(s) to the agency for revision and re-submission within 60 days without further notice.

Any interested person may present statements, arguments or comments, in writing to the Executive Director of the Commission, relative to review of the proposed conflict of interest code(s). Any written comments must be received no later than **October 25th, 2010**. If a public hearing is to be held, oral comments may be presented to the Commission at the hearing.

COST TO LOCAL AGENCIES

There shall be no reimbursement for any new or increased costs to local government which may result from compliance with these codes because these are not new programs mandated on local agencies by the codes since the requirements described herein were mandated by the Political Reform Act of 1974. Therefore, they are not "costs mandated by the state" as defined in Government Code Section 17514.

EFFECT ON HOUSING COSTS AND BUSINESSES

Compliance with the codes has no potential effect on housing costs or on private persons, businesses or small businesses.

AUTHORITY

Government Code Sections 82011, 87303 and 87304 provide that the Fair Political Practices Commission as the code reviewing body for the above conflict of interest codes shall approve codes as submitted, revise the proposed code and approve it as revised, or return the proposed code for revision and re-submission.

REFERENCE

Government Code Sections 87300 and 87306 provide that agencies shall adopt and promulgate conflict of interest codes pursuant to the Political Reform Act and amend their codes when change is necessitated by changed circumstances.

CONTACT

Any inquiries concerning the proposed conflict of interest code(s) should be made to Alexandra Castillo,

Fair Political Practices Commission, 428 J Street, Suite 620, Sacramento, California 95814, telephone (916) 322-5660.

AVAILABILITY OF PROPOSED CONFLICT OF INTEREST CODES

Copies of the proposed conflict of interest codes may be obtained from the Commission offices or the respective agency. Requests for copies from the Commission should be made to Alexandra Castillo, Fair Political Practices Commission, 428 J Street, Suite 620, Sacramento, California 95814, telephone (916) 322-5660.

TITLE 2. FAIR POLITICAL PRACTICES COMMISSION

NOTICE IS HEREBY GIVEN that the Fair Political Practices Commission (the "Commission"), under the authority vested in it under the Political Reform Act (the "Act")¹ by Section 83112 of the Government Code, proposes to adopt, amend, or repeal regulations in Title 2, Division 6 of the California Code of Regulations. The Commission will consider the proposed regulation at a public hearing on or after **October 14, 2010**, at the offices of the Fair Political Practices Commission, 428 J Street, Suite 800, Sacramento, California, commencing at approximately **10:00 a.m.** Written comments must be received at the Commission offices no later than **5:00 p.m. on October 12, 2010**.

BACKGROUND/OVERVIEW

Regulation 18225(b)(2) defines the term "expressly advocates," found in Government Code Sections 82031 and 85310, to include specific words within a communication urging a vote for or against a particular candidate or measure in an upcoming election. The final 26 words of the regulation also include a communication lacking such specific words, if the communication "taken as a whole, unambiguously urges a particular result in an election."

In late 2002, *The Governor Gray Davis Committee v. American Taxpayer Alliance*, 102 Cal. App.4th 449 (2002), a lawsuit to which the Commission was not a party, found that these final 26 words violated the U.S. Constitution. Notified of the court's ruling, the Com-

mission in May 2003 voted to suspend enforcement of the affected portion of Regulation 18225(b)(2), pending clarification of the constitutional sufficiency of its language. At the time, the U.S. Supreme Court was expected to decide the question in the following year, but the Supreme Court's full exposition on the subject was spread among three opinions, the last of which was published in early 2010. These opinions now conclusively establish that the *Davis* Court was incorrect in its interpretation of the U.S. Constitution, and that the Commission may lawfully define the term "expressly advocates" to the extent found lawful under these recent Supreme Court opinions.

The Commission therefore proposes to amend Regulation 18225(b)(2) to reflect the Supreme Court's recent teaching, and to provide examples illustrating the kind of communication that, without use of specific words, nonetheless "expressly advocates" a particular result in an election, within the meaning of the Political Reform Act of 1974, as amended.

REGULATORY ACTION

Amend 2 Cal. Code Regs. Section 18225(b)(2):

The proposed regulatory action would amend Regulation 18225(b)(2).

FISCAL IMPACT STATEMENT

Fiscal Impact on Local Government. This regulatory action will have no fiscal impact on any local entity or program.

Fiscal Impact on State Government. This regulatory action will have no fiscal impact on any state entity or program.

Fiscal Impact on Federal Funding of State Programs. This regulatory action will have no fiscal impact on the federal funding of any state program or entity.

AUTHORITY

Government Code Section 83112 provides that the Fair Political Practices Commission may adopt, amend, and rescind rules and regulations to carry out the purposes and provisions of the Political Reform Act.

REFERENCE

The purpose of this regulation is to implement, interpret and make specific Government Code Sections 82031 and 85310.

CONTACT

Any inquiries should be made to Lawrence T. Woodlock, Fair Political Practices Commission, 428 J Street,

¹ The Political Reform Act is contained in Government Code Sections 81000 through 91014. All statutory references are to the Government Code, unless otherwise indicated. The regulations of the Fair Political Practices Commission are contained in Sections 18110 through 18997 of Title 2 of the California Code of Regulations. All regulatory references are to Title 2, Division 6 of the California Code of Regulations, unless otherwise indicated.

Suite 800, Sacramento, CA 95814; telephone (916) 322-5660 or 1-866-ASK-FPPC. Proposed regulatory language can be accessed at: <http://www.fppc.ca.gov/index.html?id=351>.

ADDITIONAL COMMENTS

After the hearing, the Commission may adopt, amend or repeal the regulation if it remains substantially the same as described or as in the text originally made available to the public. The Commission may make changes to the regulation before its adoption, amendment, or repeal.

TITLE 2. FAIR POLITICAL PRACTICES COMMISSION

NOTICE IS HEREBY GIVEN that the Fair Political Practices Commission (the "Commission,"), under the authority vested in it under the Political Reform Act (the "Act")¹ by Section 83112 of the Government Code, proposes to adopt, amend, or repeal regulations in Title 2, Division 6 of the California Code of Regulations. The Commission will consider the proposed regulation at a public hearing on or after **October 14, 2010**, at the offices of the Fair Political Practices Commission, 428 J Street, Suite 800, Sacramento, California, commencing at approximately **10:00 a.m.** Written comments must be received at the Commission offices no later than **5:00 p.m. on October 12, 2010**.

BACKGROUND/OVERVIEW

(1) Cost of Living Adjustment for Campaign Contribution Limits, Voluntary Expenditure Ceilings, and Officeholder Contribution Limits and Aggregate Contribution Limits: Adoption of Amendments to Regulation 18545.

Regulation 18545 sets forth current year contribution limits and voluntary expenditure ceilings. Under Sections 83124 and 85316(b) of the Act, the amounts must be adjusted biennially to reflect changes in the Consumer Price Index ("CPI"). Section 85316(b) permits post-election contributions to be made to elected state officers subject to calendar year limits and permits state office holders to receive such contributions subject to aggregate limits per calendar year. These limits must also

be adjusted biennially to reflect changes in the CPI. The California Department of Finance ("DOF") provides the calendar year CPI for all urban consumers. This amendment makes these adjustments for the period from January 1, 2011 through December 31, 2012.

The formula for adjusting contribution limits and voluntary expenditures (found at Regulation 18544(b)(1)) is:

Applicable Limit 2001	X	229.4 (average 2010 CPI)*	=	2011 limit**
		174.8 (CPI from 2000)		

* At the time or the filing of this notice, the September 2010 California CPI has not yet been released. As of June 2010, the average California CPI for all urban consumers was 229.4. However, this is subject to change and will be updated when the September 2010 California CPI is finally released pursuant to Regulation 18544.

** Rounded to the nearest \$100 for contribution limits; to nearest \$1,000 for voluntary expenditure ceilings.

For officeholder accounts, the formula for calculating the adjustments for contribution limits and aggregate limits applicable is as follows:

Applicable Limit 2007	X	229.4 (average 2010 CPI)*	=	2011 limit**
		210.5 (CPI from 2006)		

* Rounded to the nearest \$100.

** At the time of the filing of this notice, the September 2010 California CPI has not yet been released. As of June 2010, the average California CPI for all urban consumers was 229.4. However, this is subject to change and will be updated when the September 2010 California CPI is finally released pursuant to Regulation 18544.

(2) Biennial Gift Limit Adjustment: Adoption of Amendment to Regulation 18940.2.

The gift limit is adjusted biennially by the Commission to reflect changes in the CPI. (Government Code Sections 87103(c) and 89503(f).) The DOF provides the calendar year CPI for all California urban consumers resulting in no change to the gift limit. The formula used to calculate the adjusted gift limit (found at Regulation 18940.2(d)(2)) is as follows:

Applicable Limit 1990	X	229.4 (average 2010 CPI)*	=	2011 limit**
		135 (CPI from 1990)		

* At the time or the filing of this notice, the September 2010 California CPI has not yet been released. As of June 2010, the average California CPI for all urban consumers was 229.4. However, this is subject to change and will be updated when the September 2010 California CPI is finally released pursuant to Regulation 18940.2.

** Rounded to the nearest \$10.

REGULATORY ACTION

(1) Amend 2 Cal. Code Regs. § 18545. The proposed amendments to Regulation 18545 reflect the adjusted contribution limits and voluntary expenditure ceilings for state candidates for the period of January 1, 2011, through December 31, 2012.

¹ The Political Reform Act is contained in Government Code Sections 81000 through 91014. All statutory references are to the Government Code, unless otherwise indicated. The regulations of the Fair Political Practices Commission are contained in Sections 18110 through 18997 of Title 2 of the California Code of Regulations. All regulatory references are to Title 2, Division 6 of the California Code of Regulations, unless otherwise indicated.

- (2) Amend 2 Cal. Code Regs. § 18940.2. The proposed amendment updates the applicable period for the gift limit to January 1, 2011 through December 31, 2012.
- (3) Amend 2 Cal. Code Regs. §§ 18703.4, 18730 and 18943. The proposed amendments are technical only.

SCOPE

The Commission may adopt or reject all or part of the language noticed herein, or it may choose new language to implement its decisions concerning the issues identified above or related issues. The Commission may delete provisions, adopt the language noticed herein, or choose new language to implement its policy regarding implementation of the CPI adjustments described above.

FISCAL IMPACT STATEMENT

Fiscal Impact on Local Government. This regulation will have no fiscal impact on any local entity or program.

Fiscal Impact on State Government. This regulation will have no fiscal impact on any state entity or program.

Fiscal Impact on Federal Funding of State Programs. This regulation will have no fiscal impact on the federal funding of any state program or entity.

AUTHORITY

Government Code Section 83112 provides that the Fair Political Practices Commission may adopt, amend, and rescind rules and regulations to carry out the purposes and provisions of the Political Reform Act (Gov. Code Sections 81000–91014)

REFERENCE

The purpose of this regulation is to implement, interpret, and make specific the following:

2 Cal. Code Regs. § 18545. Government Code Sections 83124, 85301, 85302, 85303, 85316 and 85400.

2 Cal. Code Regs. § 18940.2. Government Code Sections 82028, 87100, 87102.5, 87102.6, 87102.8, 87103, 87207, 87300–87302, 89502, 89503 and 89506.

CONTACT

Any inquiries should be made to Valentina Joyce, Fair Political Practices Commission, 428 J Street, Suite

800, Sacramento, CA 95814; telephone (916) 322–5660 or 1–866–ASK–FPPC. Proposed regulatory language can be accessed at <http://www.fppc.ca.gov/index.html?id=351>.

TITLE 2. FAIR POLITICAL PRACTICES COMMISSION

NOTICE IS HEREBY GIVEN that the Fair Political Practices Commission (the “Commission”), under the authority vested in it under the Political Reform Act (the “Act”)¹ by Section 83112 of the Government Code, proposes to adopt, amend, or repeal regulations in Title 2, Division 6 of the California Code of Regulations. The Commission will consider the proposed regulation at a public hearing on or after **October 14, 2010**, at the offices of the Fair Political Practices Commission, 428 J Street, Suite 800, Sacramento, California, commencing at approximately **10:00 a.m.** Written comments must be received at the Commission offices no later than **5:00 p.m. on October 12, 2010**.

BACKGROUND/OVERVIEW

Responding to the increasing use of the Internet and new media by campaigns to reach voters, the FPPC created a Subcommittee on Internet Political Activity, led by Commissioners Elizabeth Garrett and Timothy A. Hodson. These Commissioners, joined by Commissioner Lynn Montgomery, held hearings in Sacramento and Los Angeles to gather information and determine whether technological developments in campaigning require changes in the Act and Commission regulations. Commissioners Garrett and Hodson prepared the Subcommittee’s report and recommendations on “Internet Political Activity and the Political Reform Act” which was presented at the August 12, 2010, Commission meeting. The report is available on the FPPC’s website: <http://www.fppc.ca.gov/agendas/08–10/Sub-CommReport.pdf>.

The Report recommends numerous ways to update the Commission’s regulations to address internet political communications and ensure that paid political communications on the Internet are being properly disclosed. At the August 12, 2010, meeting, the Commission directed staff to begin implementing these recommendations. The Commission will consider regulations stemming from the Subcommittee’s report at upcoming meetings. The first proposed regulations that are part of

¹ The Political Reform Act is contained in Government Code Sections 81000 through 91014. All statutory references are to the Government Code, unless otherwise indicated. The regulations of the Fair Political Practices Commission are contained in Sections 18110 through 18997 of Title 2 of the California Code of Regulations. All regulatory references are to Title 2, Division 6 of the California Code of Regulations, unless otherwise indicated.

this project are exceptions to the definitions of contribution and expenditure in Regulations 18215, 18225, and new 18215.2, described below. In addition, the proposed regulations include those that define advertisement disclosure, contents of disclosure statements, and rules regarding amended advertising disclosure in Regulations 18450.1, 18450.4, and 18450.5.

REGULATORY ACTION

Amend 2 Cal. Code Regs. 18215. Contribution:

The proposed regulatory action updates the exception to the definition of contribution in Regulation 18215(c)(8) to cover online media. The current exception provides that the cost of a news story or a television news broadcast about a candidate or measure will not count as a contribution to the candidate or measure. The Subcommittee Report recommended that “the PRA’s media exemption should be interpreted to include online media sources, whether or not they also participate in print or broadcast media.” (p. 18.) Proposed language for the updated media exemption may draw on the federal regulation at 11 CFR 100.73 and 100.132. In addition, new language clarifies that the media exemption generally does not apply if the newspaper or facility is owned by candidate or committee. Addition of this language would assist Commission enforcement efforts, as the agency has had a number of cases involving “news-papers” started by candidates close to an election.

The Subcommittee Report also recommends clarifying that online candidate information sites do not count as a “contribution” to a candidate if they are nonpartisan voter education sites providing information about various candidates or measures. “As more Californians vote at home, the information they receive from the Internet — from government sources, nonprofit groups and other sources of voter information — can provide valuable cues and information at the time they cast their ballot, as well as serve as sources of information before they go to the polls.” (p. 19.) An additional exception to the definition of contribution is proposed to implement this recommendation.

Adopt 2 Cal. Code Regs. § 18215.2. Uncompensated Internet Activity by individuals that is not a Contribution or Expenditure:

The Subcommittee Report on Internet Political Activity and the PRA—recommended that the value of uncompensated Internet political activity by individuals should not be included in the definitions of “contribution” or “expenditure.” The report stated that: “The Commission should adopt, through regulation, a clear exemption that applies to individuals who act without the consent or knowledge of a political committee and who do not trigger the \$1,000 expenditure threshold.

This will clarify that an individual’s sending or forwarding emails, linking to a website, or establishing and maintaining a website does not result in a contribution or expenditure under the PRA. Sending emails about political campaigns, when done by individuals who are uncompensated, should not trigger regulation and should be considered of nominal value. . . . Finally, the value of computers and other equipment owned by the producer of such speech should not be considered in determining the amount of political expenditures made with respect to a communication.” (p. 18.) Proposed Regulation 18215.2 creates this express exemption for an uncompensated individual’s internet activity.

The regulation distinguishes other activity that is not within the exception for individual grassroots internet activity. The regulation specifically states that advertisements placed by a political committee for a fee online *do* count as a “contribution or expenditure.” In addition, the regulation states that purchasing or renting an email list at the direction of a political committee counts as a contribution or expenditure. The proposed language draws from the FEC’s rule on uncompensated internet activity by individuals at 11 CFR 100.94 and 11 CFR 100.155.

In addition, the Subcommittee Report recommends that bloggers not be specifically regulated at this time, but that the activities of bloggers writing about a candidate or measure would be deemed to fit either under the exemption for uncompensated internet activity by individuals or under the media exemption from the definitions of “contribution” and “expenditure.” This approach to the treatment of bloggers follows that of the Federal Election Commission. The Subcommittee Report recommends that payments from political committees for internet blogging should be disclosed in more detail in expenditure reports; the reporting recommendation will be implemented in a separate upcoming rulemaking.

Amend 2 Cal. Code Regs. § 18225. Expenditure:

The expenditure regulation contains an exemption from the definition of “expenditure” for a news story or broadcast on a candidate, mirroring the exemption from the definition of “contribution.” The Commission will consider including online media in this exemption from the definition of expenditure. The proposed language is parallel to the media exemption language in the contribution regulation, discussed above, and is drawn from the federal regulation at 11 CFR 100.73 and 100.132.

Amend 2 Cal. Code Regs. § 18450.1. Definitions. Advertisement Disclosure:

This proposed amendment updates the definition of advertisement in Regulation 18450.1 to include electronic media advertisements. The current definition in Regulation 18450.1(b)(3) excludes “a web-based or

Internet-based communication.” It includes communications described in Section 84501(a) that are placed in “a newspaper, periodical, magazine of general circulation” or “a telephone, or facsimile message that is not solicited by the recipient and is intended for delivery in substantially similar form to 200 or more households. . .”

The Subcommittee Report recommended that “If the PRA and regulations require disclosure on paid political communications that are printed or broadcast, then similar paid communications that are disseminated over the Internet should be accompanied by similar disclosures.”

The proposed language applies advertisement definition and advertisement disclosure rules to “broadcast, print or electronic media,” as well as to an “electronic message” that is intended for delivery in substantially similar form to 200 or more households.

Amend 2 Cal. Code Regs. § 18450.4. Contents of Disclosure Statements. Advertisement Disclosure:

This proposed amendment follows the Subcommittee Report recommendations to apply existing disclosure rules to electronic advertisements. It applies requirements of advertising disclosure statements under Regulation 18450.4 to “electronic communications.”

Regulation 18450.4(b)(3)(G) sets up specific requirements for online advertising disclosure statements, which includes the World Wide Web address of the person or political committee that paid for the communication. The proposed regulation also requires, and sets standards for, what is considered “clear and conspicuous” disclosure. The requirements include minimum disclosure size, display time, and color contrast requirements.

The proposed language is in part based on the FEC’s rule on advertising disclaimers as applied to broadcast advertising at 11 CFR 110.11.

Amend 2 Cal. Code Regs. § 18450.5. Amended Advertising Disclosure:

This proposed amendment follows the Subcommittee Report recommendations to apply existing PRA regulations on print and broadcast paid communications to electronic paid communications. The proposed regulatory action would extend the PRA’s advertising disclosure amendment requirements for broadcast advertisements to electronic communications. Under the proposed changes, electronic advertisement disclosures “must be amended within five calendar days after a new person qualifies as a disclosable contributor (under Sections 84503 or 84506) or a committee’s name changes (pursuant to Section 84504, or Regulations 18402 and 18450.3).”

SCOPE

The Commission may delete provisions, adopt the language noticed herein, or choose new language to implement its policy. The Commission may make other changes or additions to these regulations related to advertising disclosure, internet political activity, or electronic communications.

FISCAL IMPACT STATEMENT

Fiscal Impact on Local Government. This regulation will have no fiscal impact on any local entity or program.

Fiscal Impact on State Government. This regulation will have no fiscal impact on any state entity or program.

Fiscal Impact on Federal Funding of State Programs. This regulation will have no fiscal impact on the federal funding of any state program or entity.

AUTHORITY

Government Code Section 83112 provides that the Fair Political Practices Commission may adopt, amend, and rescind rules and regulations to carry out the purposes and provisions of the Political Reform Act.

REFERENCE

The purpose of these regulations is to implement, interpret, and make specific Government Code Sections 82015, 82025, 84501, 84502, 84503, 84504, 84506, 84506.5, 84509.

CONTACT

Any inquiries should be made to staff counsels Emelyn Rodriguez or Hyla Wagner Fair Political Practices Commission, 428 J Street, Suite 800, Sacramento, CA 95814; telephone (916) 322-5660 or 1-866-ASK-FPPC. Proposed regulatory language can be accessed at <http://www.fppc.ca.gov/index.html?id=351>.

TITLE 3. DEPARTMENT OF FOOD AND AGRICULTURE

ARTICLE 1. QUALIFICATIONS

NOTICE OF PROPOSED RULEMAKING

The California Department of Food and Agriculture (Department) proposes to amend Sections 105 and 108 of Title 3, of the California Code of Regulations (CCR).

PUBLIC HEARING

The Department has not scheduled a public hearing on this proposed action. However, any interested person, or his or her duly authorized representative, may submit a written request for a public hearing, pursuant to section 11346.8, subdivision (a), of the Government Code. The written request for hearing must be received by one of the Department's contact persons, designated below, no later than 15 days before the close of the written comment period.

WRITTEN COMMENT PERIOD

Any interested person, or his or her authorized representative, may submit their written comments relevant to the proposed regulatory action to the Department. Comments may also be submitted via facsimile (FAX) at (916) 653-6649 or by e-mail to kmacey@cdfa.ca.gov. The written comment period closes at **5:00 p.m. on October 25, 2010**. The Department will consider only comments received at the Department by that time. Submit comments to:

Kristin Macey, County/State Liaison
California Department of Food and Agriculture
1220 N Street, Sacramento, CA 95814
Telephone: (916) 653-6649; Fax: (916) 651-9079

AUTHORITY AND REFERENCE

Authority: Sections 407 and 2101 of the Food and Agricultural Code and Section 12027 of the Business and Professions Code authorize the Department to adopt these regulations. The proposed regulations implement, interpret, and make specific Section 2106 of the Food and Agricultural Code and Section 12201 of the Business and Professions Code which the Secretary is directed or authorized to administer or enforce.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Section 105 of Title 3 of the California Code of Regulations, establishes the minimum qualifications (eligibility) for admission to the licensing examination for County Agricultural Inspectors/Biologist. The proposed amendments to CCR Section 105 clarify the minimum qualifications of candidates wishing to take a County Agricultural Inspector/Biologist examination. The proposed amendments define the agricultural and biological sciences disciplines to include college coursework that better aligns the educational requirements with the County Agricultural Inspector/Biologist

job duties. The proposed amendments allow the inclusion of any college major that includes 30 semester units or equivalent of one or more of the following: agricultural science; biological science; chemical science; physical science; mathematics; or statistics. The proposed amendments further provide for the consideration of educational credits obtained outside a degree program.

Section 108, of Title 3 of the California Code of Regulations establishes the minimum qualifications for admission to the licensing examination for County Weights and Measures Inspectors. The proposed amendments to CCR Section 108 clarify the minimum qualifications of candidates wishing to take a County Weights and Measures Inspector examination. The proposed amendments expand the disciplines to include other majors and coursework that better align the educational requirements with the Weights and Measures Inspector job duties. The proposed amendments allow the inclusion of any college major that includes 30 semester units or equivalent of one or more of the following: agricultural science; biological science; chemical science; physical science; mathematics; or statistics. The proposed amendments further provide for the consideration of educational credits obtained outside a degree program. The proposed amendments also eliminate permanent employment as a prerequisite for admission to the Weights and Measures Inspector examination. Additionally, this section is reformatted to be more reader-friendly.

DISCLOSURES REGARDING THE PROPOSED ACTION

The Department has made the following initial determinations:

Mandate on local agencies and school districts: None.
Cost or savings to any state agency: None.

Cost to any local agency or school district which must be reimbursed in accordance with Government Code sections 17500 through 17630: None.

Other nondiscretionary cost or savings imposed on local agencies: None.

Cost or savings in federal funding to the state: None.

Significant, statewide adverse economic impact directly affecting business including the ability of California businesses to compete with businesses in other states: None.

Cost impacts on a representative private person or businesses: The Department is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

Adoption of these regulations will not:

- (1) Create or eliminate jobs within California;

- (2) Create new businesses or eliminate existing businesses within California; or
- (3) Affect the expansion of businesses currently doing business within California.

Significant effect on housing costs: None.

EFFECT ON SMALL BUSINESS

The Department has initially determined that the proposed changes to the regulations would result in no added costs to small businesses affected by these proposed changes. The proposed changes allow the Department to realign the minimum qualifications for candidates seeking to take Agricultural Inspector/Biologist or Weights and Measures Inspector examinations for county employment purposes, with current educational offerings and workforce conditions. It is reasonably anticipated that the regulatory amendments will provide positive impacts upon all regulated businesses through the enabled ability of County Agricultural Commissioners/Sealers of Weights and Measures to enhance recruitment of qualified candidates and through the delivery of services from an inspector workforce highly educated in an appropriately diverse range of disciplines.

CONSIDERATION OF ALTERNATIVES

The Department must determine that no reasonable alternative it considered or that has otherwise been identified and brought to its attention would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action. Provisions for establishing minimum qualifications for such examination eligibility are set forth in Sections 2101 and 2106 of the Food and Agricultural Code, pertaining to licensing examinations for County Agricultural Inspectors/Biologists, and Sections 12202 and 12203 of the California Business and Professions Code, pertaining to licensing examinations for County Inspectors of Weights and Measures.

The Department invites interested persons to present statements or arguments with respect to alternatives to the proposed regulations during the written comment period.

CONTACT PERSONS

Inquiries concerning the proposed administrative action may be directed to:

Kristin Macey, County/State Liaison
California Department of Food and Agriculture
1220 N Street, Sacramento, CA 95814
Telephone: (916) 653-6649; Fax: (916) 651-9079

The backup contact person for these inquiries is:

Paulette Montez, Staff Services Analyst
California Department of Food and Agriculture
1220 N Street, Sacramento, CA 95814
Telephone: (916) 653-5866; Fax: (916) 651-9079

Please direct requests for copies of the proposed text of the regulations, the initial statement of reasons, the modified text of the regulation, if any, or other information upon which the rulemaking is based to Paulette Montez at the above address.

AVAILABILITY OF STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATIONS

The Department will have the rulemaking file available for inspection and copying throughout the rulemaking process at its office at 1220 N Street, Room 446, Sacramento, CA 95814. As of the date this notice is published in the Notice Register, the rulemaking file consists of this notice, the proposed text of the regulations, the initial statement of reasons, a summary of the results or a survey conducted of the members of the California Agricultural Commissioners and Sealers Association (CACASA), and a letter requesting changes to regulation submitted by CACASA to the Secretary of the Department of Food and Agriculture.

Copies may be obtained by contacting Paulette Montez at the address or phone number listed above.

AVAILABILITY OF CHANGED OR MODIFIED TEXT

After considering all timely and relevant comments received, the Department may adopt the proposed regulations substantially as described in this notice. If the Department makes modifications, which are sufficiently related to the originally proposed text, it will make the modified text (with the changes clearly indicated) available to the public for at least 15 days before the Department adopts the regulations as revised. Please send requests for copies of any modified regulations to the attention of Paulette Montez at the address provided on the previous page. The Department will accept written comments on the modified regulations for 15 days after the date on which they are made available.

AVAILABILITY OF FINAL STATEMENT OF REASONS

Upon its completion, copies of the Final Statement of Reasons may be obtained by contacting Paulette Montez at the address provided on the previous page.

AVAILABILITY OF DOCUMENTS
ON THE INTERNET

Copies of the Notice of Proposed Action, the Initial Statement of Reasons, and the text of the regulations in underline and strikethrough can be accessed through the Department's website at: http://www.cdfa.ca.gov/exec/county/County_Liaison.html.

**TITLE 10. DEPARTMENT OF
INSURANCE**

STATE OF CALIFORNIA
DEPARTMENT OF INSURANCE
45 Fremont Street, 21st Floor
San Francisco, California 94105

File No. REG-2010-00013
Date: August 13, 2010

NOTICE OF PROPOSED ACTION

SUBJECT OF PROPOSED RULEMAKING

Notice is hereby given that the California Insurance Commissioner ("Commissioner") proposes to amend a regulation as described below after considering comments from the public.

The Commissioner proposes to amend Title 10, California Code of Regulations, Chapter 5, Subchapter 4.3, Article 1, Section 2614 et seq., entitled "Governing Procedure for Noncompliance Hearings." The proposed amendment will modify the procedure for conducting hearings pursuant to California Insurance Code sections 1858, 1858.01, 1858.1 and 1858.2. The proposed amendment will also make technical changes to Section 2614 et seq.

PUBLIC HEARING

The Commissioner will hold a public hearing to provide all interested persons an opportunity to present statements or arguments, either orally or in writing, with respect to this regulation, as follows:

Date and time: Monday, October 25, 2010, at 10:00 a.m.
Location: Department of Insurance
45 Fremont St. 22nd Floor Hearing Room
San Francisco CA 94105

The hearing will continue on the above date until all testimony has been submitted or 2:00 p.m., whichever is earlier.

**PRESENTATION OF WRITTEN COMMENTS;
CONTACT PERSONS**

All persons are invited to submit written comments on the proposed amendments during the public comment period.

Please direct all written comments to the following contact person:

Alec Stone, Staff Counsel
Department of Insurance
300 Capitol Mall, 17th Floor
Sacramento, CA 95814
Telephone: (916) 492-3567

Questions regarding procedure, comments, or the substance of the proposed action should be addressed to the above contact person. In the event the contact person is unavailable, inquiries regarding the proposed action may be directed to the following backup contact person:

Lisbeth Landsman-Smith, Staff Counsel
300 Capitol Mall, 17th Floor
Sacramento, CA 95814
Telephone: (916) 492-3561

DEADLINE FOR WRITTEN COMMENTS

All written materials must be received by the Insurance Commissioner, addressed to the contact persons at his address listed above, no later than 5:00 p.m. on October 25, 2010. Any written materials received after that time may not be considered.

**COMMENTS TRANSMITTED BY E-MAIL
OR FACSIMILE**

The Commissioner will accept written comments transmitted by e-mail provided they are sent to the following e-mail address: alec.stone@insurance.ca.gov. The Commissioner strongly encourages e-mail comments in Word® or PDF text format.

The Commissioner will also accept written comments transmitted by facsimile provided they are directed to the attention of Alec Stone and sent to the following facsimile number: (415) 904-5490. **Comments sent to other e-mail addresses or other facsimile numbers will not be accepted. Comments sent by email or facsimile are subject to the deadline set forth above for written comments.**

ACCESS TO HEARING ROOMS

The facilities to be used for the public hearing are accessible to persons with mobility impairments. Persons with sight or hearing impairments are requested to notify the contact person(s) for the hearing in order to make special arrangements, if necessary.

AUTHORITY AND REFERENCE

According to California Government Code section 11349(b), “authority” means the provision of law that permits or obligates the agency to adopt a regulation. The authority for the proposed amendment is the express authority provided by Government Code section 11400.20. That section states that an agency may adopt interim or permanent regulations to govern an adjudicative proceeding.

California Government Code section 11349(e) defines “reference” to mean the statute, court decision, or other provision of law which an agency implements, interprets, or makes specific when adopting a regulation. The following statutes are referenced as being made specific by the proposed amendment. The proposed amendment is making specific California Insurance Code sections 1858, 1858.01, 1858.1 and 1858.2

ADVOCACY OR WITNESS FEES

Persons or groups representing the interests of consumers may be entitled to reasonable advocacy fees, witness fees, and other reasonable expenses, in accordance with the provisions of Title 10, Chapter 5, Subchapter 4.5 of the California Code of Regulations, in connection with their participation in this matter. Persons interested in inquiring about the appropriate procedures should contact the Office of the Public Advisor at the following address:

California Department of Insurance
Office of the Public Advisor
45 Fremont Street, 21st Floor
San Francisco, CA 94805
(415) 538-4190

A copy of any written materials submitted to the Public Advisor regarding this rulemaking must also be submitted to the contact person for this hearing. Please contact the Office of the Public Advisor for further information.

INFORMATIVE DIGEST

Summary of Existing Law

California Insurance Code sections 1858, 1858.01, 1858.1 and 1858.2 provide that the Commissioner shall

hold a public hearing when a violation of Chapter 9 of the California Insurance Code is alleged pursuant to a public complaint, or after examination of an insurer. These Insurance Code sections address adherence by insurers to California’s insurance rate regulation law. Title 10 C.C.R. § 2614 et seq. contains the procedure for “Notice of Noncompliance” hearings conducted under California Insurance Code sections 1858, 1858.01, 1858.1 and 1858.2.

POLICY STATEMENT OVERVIEW

Effect of Proposed Action

Section 2614.13 currently requires parties to file written prepared direct testimony (“PDT”), in narrative or question and answer format, for each direct witness expected to be called to testify. PDT must be signed under penalty of perjury. PDT must be filed before the first day of an evidentiary hearing.

Compliance with the PDT requirement in existing section 2614.13 from an adverse witness or a witness not under the control of a party is either impractical or impossible. A witness who has no affinity with or other incentive to assist the party calling that witness may be unwilling to sign PDT. A witness who is an employee or agent of an adverse party will usually be positively disinclined to assist his or her employer’s or principal’s opponent by signing PDT.

The Commissioner proposes to amend Section 2614.13 to clarify that PDT is required only from certain types of witnesses, as specified in the proposed amendment, which are typically willing to sign PDT and cooperate in its drafting.

The Commissioner also proposes to make technical amendments to Section 2614. Specifically, in two places he proposes to change erroneous use of the word “chapter” to “subchapter.”

MANDATES ON LOCAL AGENCIES OR SCHOOL DISTRICTS

The proposed amendments do not impose any mandate on local agencies or school districts. There are no costs to local agencies or school districts for which Part 7 (commencing with Section 17500) of Division 4 of the Government Code would require reimbursement.

COST OR SAVINGS TO STATE AGENCIES, LOCAL AGENCIES OR SCHOOL DISTRICTS OR IN FEDERAL FUNDING

The Commissioner has determined that the proposed amendments will result in no cost or savings to any state agency, no cost to any local agency or school district

that is required to be reimbursed under Part 7 (commencing with Section 17500) of Division 4 of the Government Code, no other nondiscretionary cost or savings imposed on local agencies, and no cost or savings in federal funding to the State.

ECONOMIC IMPACT ON BUSINESS AND THE ABILITY OF CALIFORNIA BUSINESSES TO COMPETE

The Commissioner has made an initial determination that the adoption of the proposed regulations may have a significant, statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states. The types of businesses that may be affected are insurers and automotive repair dealers. The Commissioner has not considered proposed alternatives that would lessen any adverse economic impact on business and invites you to submit proposals. Submissions may include the following considerations:

- (i) The establishment of differing compliance or reporting requirements or timetables that take into account the resources available to businesses.
- (ii) Consolidation or simplification of compliance and reporting requirements for businesses.
- (iii) The use of performance standards rather than prescriptive standards.
- (iv) Exemption or partial exemption from the regulatory requirements for businesses.

POTENTIAL COST IMPACT ON PRIVATE PERSONS OR BUSINESSES

The Commissioner is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

EFFECT ON JOBS AND BUSINESSES IN CALIFORNIA

The Commissioner is required to assess any impact the regulations may have on the creation or elimination of jobs in the State of California, the creation of new businesses, the elimination of new businesses, and the expansion of businesses currently operating in the state. The Commissioner does not foresee that the proposed amendment will have an impact on any of the above, but invites interested parties to comment on this issue.

FINDING OF NECESSITY

The Commissioner finds that it is necessary for the welfare of the people of the state that the regulations apply to businesses.

IMPACT ON HOUSING COSTS

The proposed amendments will have no significant effect on housing costs.

ALTERNATIVES

The Commissioner must determine that no reasonable alternative considered by the Commissioner or that has otherwise been identified and brought to the attention of the Commissioner would be more effective in carrying out the purpose for which this action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

IMPACT ON SMALL BUSINESS

The Commissioner has determined that the proposed amendments will not affect small businesses, as defined by Government Code § 11342.610. The proposed amendment clarifies existing law rather than changing it. The proposed regulation clarifies procedures for noncompliance hearings held pursuant to consumer complaints regarding insurer rating systems or underwriting rules. The parties to the hearings are insurers, the Department and, at times, a non-profit intervenor. None of the affected parties are small businesses as defined by Government Code § 11342.610.

COMPARABLE FEDERAL LAW

There are no existing federal regulations or statutes comparable to this proposed amendment.

TEXT OF REGULATIONS AND STATEMENTS OF REASONS

The Department has prepared an initial statement of reasons that sets forth the reasons for the proposed action. Upon request, the initial statement of reasons will be made available for inspection and copying. Requests for the initial statement of reasons or questions regarding this proceeding should be directed to the contact person listed above. Upon request, the final statement of reasons will be made available for inspection and copying once it has been prepared. Requests for the final statement of reasons should be directed to the contact person listed above. The file for this proceeding, which

includes a copy of the express terms of the proposed regulations, the statement of reasons, the information upon which the proposed action is based, and any supplemental information, including any reports, documentation and other materials related to the proposed action that is contained in the rulemaking file, is available by appointment for inspection and copying at 45 Fremont Street, 21st Floor, San Francisco, California 94805, between the hours of 9:00 a.m. and 4:00 p.m., Monday through Friday.

AUTOMATIC MAILING

A copy of this notice, including the informative digest, which contains the general substance of the proposed amendments, will automatically be sent to all persons on the Insurance Commissioner's mailing list.

WEBSITE POSTINGS

Documents concerning this proceeding are available on the Department's website. To access them:

1. Go to <http://www.insurance.ca.gov>.
2. Under the red menu bar, the home page is divided into three columns. Find the "Quick Links" at the top of the right column.
3. Under "Quick Links," there are four pull-down menus. Find the third pull-down menu, entitled "For Insurers."
4. Within the "For Insurers" pull-down menu, click on the topmost item — "Regulations." This will bring you to the "Insurers: Regulations" page.
5. Click on the 4th bullet, "Proposed Regulations." This will take you to the "Insurers: Proposed Regulations" page.
6. Click on "Search for Proposed Regulations"
7. Click on "Currently Proposed Regulations," look for the title of this regulation in the resulting list, and click on the title.

MODIFIED LANGUAGE

If the regulations adopted by the Department differ from those which have originally been made available but are sufficiently related to the action proposed, they will be available to the public for at least 15 days prior to the date of adoption. Interested persons should request a copy of these regulations prior to adoption from the contact person listed above.

TITLE 10. DEPARTMENT OF INSURANCE

STATE OF CALIFORNIA
DEPARTMENT OF INSURANCE
300 Capitol Mall, 17th Floor
Sacramento, California 95814

NOTICE OF PROPOSED ACTION AND NOTICE OF PUBLIC HEARING

January 1, 2011 Workers' Compensation Claims Cost Benchmark and Pure Premium Rates

File No. REG-2010-00014

Notice Date: August 26, 2010

Approval of the Workers' Compensation Claims Cost Benchmark and Advisory Pure Premium Rates and proposed revisions to the Insurance Commissioner's Regulations pertaining to the Classification of Risks; Recording and Reporting of Data; Statistical Reporting and Experience Rating; and Approval of Advisory Pure Premium Rates to be effective January 1, 2011, unless otherwise noted.

NOTICE AND SUBJECT OF PUBLIC HEARING

Notice is hereby given that the Insurance Commissioner will hold a public hearing in response to a filing, submitted on August 18, 2010, by the Workers' Compensation Insurance Rating Bureau of California ("WCIRB") to consider the following:

- Approval of the Workers' Compensation Claims Cost Benchmark and advisory pure premium rates developed by the WCIRB as a rating organization on behalf of its member insurers.
- Approval of amendments to the California Workers' Compensation Uniform Statistical Reporting Plan-1995 ("USRP") as proposed by the WCIRB as the Insurance Commissioner's designated statistical agent.
- Approval of an amendment to the Miscellaneous Regulations for the Recording and Reporting of Data as proposed by the WCIRB as the Insurance Commissioner's designated statistical agent.
- Approval of amendments to the California Workers' Compensation Experience Rating Plan-1995 ("ERP") as proposed by the WCIRB as the Insurance Commissioner's designated statistical agent.

HEARING DATE AND LOCATION

A public hearing will be held to permit all interested persons the opportunity to present statements or arguments, orally or in writing, with respect to the matters proposed in the WCIRB's filing, at the following date, time and place:

October 12, 2010 — 1:00 p.m.
California Department of Insurance
22nd Floor Hearing Room
45 Fremont Street
San Francisco, California

AUTHORITY AND REFERENCE

Uniform Plans and Regulations

The workers' compensation classification of risks and statistical reporting rules, or USRP, are set forth in Title 10, California Code of Regulations, Section 2318.6. The miscellaneous regulations for the recording and reporting of data are set forth in Title 10, California Code of Regulations, Section 2354. The workers' compensation experience rating regulations, or ERP, are set forth in Title 10, California Code of Regulations, Section 2353.1. The regulations are promulgated by the Insurance Commissioner pursuant to the authority granted by Insurance Code Section 11734.

Workers' Compensation Claims Cost Benchmark and Pure Premium Rates

Pursuant to Insurance Code Section 11750.3, a rating organization is permitted to develop pure premium rates for each employee classification on behalf of its member insurers for submission to the Insurance Commissioner for issuance or approval. The WCIRB also submits an overall rate adjustment that measures the change in costs to the California worker's compensation system, designated by the Commissioner as the Workers' Compensation Claims Cost Benchmark, in addition to the changes to the pure premium rates for each classification.

The Insurance Code provisions regarding State rate supervision operative January 1, 1995 do not authorize the Insurance Commissioner to require insurers to use the Claims Cost Benchmark or pure premium rates issued or approved by the Insurance Commissioner. Accordingly, the Claims Cost Benchmark and pure premium rates issued or approved by the Insurance Commissioner are an estimate of the workers' compensation claims costs and are advisory only. However, all insurers must submit their rates for review to the Insurance Commissioner prior to their use, and an insurer's filed workers' compensation rates are public information.

Advisory Rating Plans

Pursuant to Insurance Code Sections 11750.3(a) and 11750.3(c), a licensed rating organization may promulgate advisory plans in connection with pure premium rates and the administration of classification and rating systems and present them to the Insurance Commissioner for review.

INFORMATIVE DIGEST

Pursuant to Insurance Code Sections 11734 and 11751.5, the Insurance Commissioner has designated the WCIRB as his statistical agent. As the designated statistical agent, the WCIRB has developed and submitted for the Insurance Commissioner's approval pure premium rates and revisions to the USRP, the Miscellaneous Regulations for the Recording and Reporting of Data, and ERP for approval. The pure premium rates will be advisory only; however, adherence to the regulations contained in the USRP, the Miscellaneous Regulations for the Recording and Reporting of Data, and the ERP is mandatory. With regard to the standard classification system developed by the designated rating organization and approved by the Insurance Commissioner, Insurance Code Section 11734 provides that an insurer may develop its own classification system if it is filed with the Insurance Commissioner 30 days prior to its use and is not disapproved by the Insurance Commissioner for failure to demonstrate that the data produced by the insurer's classification system can be reported consistently with the USRP or the Standard Classification System developed by the WCIRB and approved by the Insurance Commissioner.

The pure premium rates recommended by the WCIRB to be effective January 1, 2011, as well as amendments to the USRP, the Miscellaneous Regulations for the Recording and Reporting of Data, and the ERP are detailed in the WCIRB's filing and summarized below.

APPROVE CLAIMS COST BENCHMARK AND PURE PREMIUM RATES

Pursuant to California Insurance Code Section 11750.3, the WCIRB has proposed advisory pure premium rates for approval by the Insurance Commissioner to be effective January 1, 2011 with respect to new and renewal policies as of the first anniversary rating date of a risk on or after January 1, 2011. The corresponding overall pure premium rate level change or claims cost benchmark is 29.6% greater than the current claims cost benchmark approved by the Insurance Commissioner.

The WCIRB will be reviewing accident year experience valued as of June 30, 2010 once it is received and,

if appropriate, will amend the pure premium rates proposed in this filing. Similarly, if legislative or regulatory changes are adopted or judicial action is taken prior to the time of the scheduled CDI public hearing on this filing, the WCIRB will evaluate the estimated cost impact of these changes and, to the extent appropriate, modify the pure premium rates proposed in this filing and propose changes to the approved January 1, 2010 pure premium rates with respect to policies with anniversary rating dates on or after January 1, 2010 that are outstanding as of January 1, 2011.

The proposed pure premium rates are based on (a) insurer losses incurred during 2009 and prior accident years valued as of March 31, 2010; (b) insurer loss adjustment expenses for 2009 and prior years; (c) the experience rating off-balance correction factor; and (d) classification payroll and loss experience reported for policies issued during 2007 and prior years.

AMEND THE USRP TO BE EFFECTIVE JANUARY 1, 2011

The WCIRB recommends that the following revisions to the USRP become effective January 1, 2011 with respect to new and renewal policies as of the first anniversary rating date of a risk on or after January 1, 2011.

- Amend the minimum and maximum annual payroll for executive officers, partners, individual employers, and members of a limited liability company to increase the maximum from \$97,500 to \$101,400 and the minimum from \$37,700 to \$39,000, as well as to other payroll limitations relevant to specific classifications (e.g., athletic teams, entertainment classifications, taxicabs, etc.), to reflect wage inflation since the last time these amounts were amended (2010).
- Amend the policy and unit statistical report filing requirements to provide insurers the option of using either the first or last period of coverage of a fixed-term policy as a short-term policy.
- Eliminate Classification 3807, *Automobile or Automobile Truck Radiator Mfg.*, and amend the footnote to Classification 384.0, *Automobile, Automobile Truck or Motorcycle Parts Mfg.* — *N.O.C.*, to include automobile or automobile truck radiator manufacturing.
- Eliminate Classification 3300, *Bed Spring or Wire Mattresses Mfg.*, as it is no longer statistically credible.
- Amend Classification 8601(1), *Engineers — consulting — mechanical, civil, electrical and mining engineers and architects — not engaged in actual construction or operation*, to include outside salespersons and clerical office employees, and to clarify that land surveyors shall be separately classified under Classification 8602(1), *Land Surveyors — consulting — not engaged in actual construction or operation*. The WCIRB is gathering further information regarding the proposed changes to the standard classifications for (a) engineers, (b) land surveyors, (c) oil or gas geologists or scouts, and (d) geophysical exploration, and, if appropriate, the WCIRB will amend the January 1, 2011 pure premium rate filing.
- Amend Classification 2102, *Fruit or Vegetable Evaporation or Dehydrating*, to clarify that packing and handling of dried fruits shall be separately classified.
- Establish Classification 8602(1), *Land Surveyors — consulting — not engaged in actual construction or operation*, to encompass land surveying and timber cruising operations. The WCIRB is gathering further information regarding the proposed changes to the standard classifications for (a) engineers, (b) land surveyors, (c) oil or gas geologists or scouts, and (d) geophysical exploration, and, if appropriate, the WCIRB will amend the January 1, 2011 pure premium rate filing.
- Amend the footnote to Classification 2570, *Mattress or Box Springs Mfg.*, — *including pillow, quilt or cushion manufacturing*, to state that bed spring and wire mattress manufacturing shall be classified as Classification 3257, *Wire Goods Mfg.* — *N.O.C.*
- Eliminate Classifications 8601(2), *Oil or Gas Geologists or Scouts*, and 8601(3), *Geophysical Exploration*, listed under the *Petroleum Industry Group*, and establish Classifications 8602(2), *Oil or Gas Geologists or Scouts*, and 8602(3), *Geophysical Exploration — including mapping of subsurface areas*, as alternate wording to proposed Classification 8602(1), *Land Surveyors — consulting — not engaged in actual construction or operation*. The WCIRB is gathering further information regarding the proposed changes to the standard classifications for (a) engineers, (b) land surveyors, (c) oil or gas geologists or scouts, and (d) geophysical exploration, and, if appropriate,

the WCIRB will amend the January 1, 2011 pure premium rate filing.

- Amend the unit statistical reporting requirements for clarity and consistency and to conform to the Workers Compensation Insurance Organization's *WCIO Workers Compensation Data Specifications Manual* for the electronic reporting of unit statistical report data, as applicable in California.
- Amend the unit statistical reporting requirements to eliminate the option of reporting individual closed claims on a grouped basis and to require the reporting of supplemental claim information on all temporary claims instead of only on temporary claims with incurred losses of more than \$5,000, effective on policies incepting on or after January 1, 2011.
- Amend for clarity and consistency.

AMEND THE USRP TO BE EFFECTIVE JANUARY 1, 2012

The WCIRB recommends that the following revisions to the USRP become effective January 1, 2012 with respect to new and renewal policies as of the first anniversary rating date of a risk on or after January 1, 2012.

- Amend the Welfare Funds rule to provide that vacation and holiday pay are not subject to exclusion from reportable remuneration.
- Amend Appendix III, *Payroll/Remuneration Table*, to (1) revise the entry entitled *Prevailing Wage Laws, "Davis Bacon Act"*, to provide that vacation and holiday are not included among the fringe benefits that are excluded from reportable remuneration; and (2) revise the entry entitled *Vacation Pay*, to remove the references pertaining to "Davis-Bacon" and the USRP, *Standard Classification System, Section V, Payroll — Remuneration*, Rule 1, *Payroll — Remuneration*, Subrule o, *Welfare Funds*, to be effective January 1, 2012,

AMEND MISCELLANEOUS REGULATIONS FOR THE RECORDING AND REPORTING OF DATA

The WCIRB recommends that the following revisions to the Miscellaneous Regulations for the Recording and Reporting of Data become effective January 1, 2011 with respect to new and renewal policies as of the first anniversary rating date of a risk on or after January 1, 2011:

- Amend Part 1, *General Provisions*, Section I, *Introduction*, Rule 2, *Effective Date*, to be consistent with the effective date of the USRP.

AMEND ERP TO BE EFFECTIVE JANUARY 1, 2011

The WCIRB recommends that the following revisions to the ERP become effective January 1, 2011 with respect to new and renewal policies as of the first anniversary rating date of a risk on or after January 1, 2011.

- Amend Section III, *Eligibility and Experience Period*, Rule 1, *Eligibility Requirements for California Workers' Compensation Insurance*, to adjust the experience rating eligibility threshold from \$16,300 to \$21,700 to reflect wage inflation and the indicated change in the claims cost benchmark proposed in this filing.
- Amend Section V, *Application of Experience Modification*, Rule 5, *Notification of Experience Modification*, to provide that a risk is entitled to receive a copy of its Experience Rating Form free of charge from the WCIRB upon request.
- Amend the expected loss rates and D-ratios shown in Table II, *Expected Loss Rates and Full Coverage D-Ratios*, to reflect the most current data available.
- Amend for clarity and consistency.

AMEND ERP TO BE EFFECTIVE JANUARY 1, 2012.

The WCIRB recommends that the following revisions to the ERP become effective January 1, 2012 with respect to new and renewal policies as of the first anniversary rating date of a risk on or after January 1, 2012.

- Amend to present the experience rating formula in terms of primary and excess credibilities, rather than "B" and "W" values, in order to facilitate a better understanding of the experience rating process.
- Replace the values in Table III, *B and W Values*, with *Credibility Primary and Credibility Excess Values*, to conform to changes proposed elsewhere in this filing.
- Amend the *Experience Rating Form—California* to delete the existing forms and replace them with new forms to conform to changes proposed elsewhere in this filing.

WCIRB ADVISORY PLANS

CALIFORNIA RETROSPECTIVE RATING PLAN

The WCIRB has adopted the following revisions to the California Retrospective Rating Plan. The amendments will become effective January 1, 2011:

- Amended to reflect updated rating values and for clarity and consistency.

CALIFORNIA LARGE RISK DEDUCTIBLE PLAN

The WCIRB has adopted the following revisions to the California Large Risk Deductible Plan. The amendments will become effective January 1, 2011:

- Amended to reflect updated rating values and the current version of the Retrospective Premium Endorsement form as well as for clarity and consistency.

COSTS OR SAVINGS RESULTING FROM THE REGULATIONS

The Insurance Commissioner is authorized by law to promulgate advisory loss cost rates. These rates may or may not be adopted by workers' compensation insurers. To the extent they are adopted by insurers, they may result in higher costs. The amendments to the USRP and ERP may result in costs or savings depending upon whether an employer is above or below the experience rating eligibility threshold, the employer's actual claim experience, and if the employer has the various classifications that are affected by the proposed changes.

COST OR SAVINGS AND MANDATE TO LOCAL AGENCIES AND SCHOOL DISTRICTS

The Insurance Commissioner cannot determine whether or not there will be a cost increase or savings to local agencies and school districts, but there will not be any new programs mandated on any local agencies or school districts as a result of the proposed regulations, if adopted as proposed herein. The Insurance Commissioner is authorized by law to promulgate advisory loss cost rates. These rates may or may not be adopted by workers' compensation insurers. To the extent they are adopted by insurers, they may result in higher costs to local agencies or school districts insured for workers' compensation. The amendments to the USRP and ERP may or may not result in costs or savings depending upon whether an employer is above or below the experience rating eligibility threshold, the employer's actual claim experience, and if the employer has the various classifications that are affected by the proposed changes.

IMPACT ON HOUSING COSTS

The Insurance Commissioner has determined that the proposed regulations will not have a significant effect on housing costs.

IMPACT ON SMALL BUSINESSES

The Insurance Commissioner has determined that the proposed regulations may have a significant effect on small businesses. The Insurance Commissioner is authorized by law to promulgate advisory loss cost rates. These rates may or may not be adopted by workers' compensation insurers. To the extent they are adopted by insurers, they may result in higher costs. The amendments to the USRP and ERP may or may not result in costs or savings depending upon whether an employer is above or below the experience rating eligibility threshold, the employer's actual claim experience, and if the employer has the various classifications that are affected by the proposed changes.

COST IMPACT ON PRIVATE PERSONS OR ENTITIES

The Insurance Commissioner must determine the potential cost impact of the proposed regulations on private persons or businesses directly affected by the proposal. At this time, the Insurance Commissioner expects that the proposed regulations may have a significant effect on private persons or entities. The Insurance Commissioner is authorized by law to promulgate advisory loss cost rates. These rates may or may not be adopted by workers' compensation insurers. To the extent they are adopted by insurers, they may result in higher costs. The amendments to the USRP and ERP may or may not result in costs or savings depending upon whether an employer is above or below the experience rating eligibility threshold, the employer's actual claim experience, and if the employer has the various classifications that are affected by the proposed changes.

FEDERAL FUNDING TO THE STATE

The matters proposed herein will not affect any federal funding.

NON-DISCRETIONARY COSTS OR SAVINGS

The proposed regulations will not impose any non-discretionary costs or savings to local agencies.

COST OR SAVINGS TO STATE AGENCIES

The matters proposed herein will not result in any cost or savings to State agencies, except for the State Compensation Insurance Fund.

REIMBURSABLE COSTS

There are no costs to local agencies or school districts for which Part 7 (commencing with Section 17500) of

Division 4 of the Government Code would require reimbursement.

COMPARABLE FEDERAL LAW

There are no existing federal regulations or statutes comparable to the proposed regulations.

ACCESS TO HEARING ROOMS

The facility to be used for the public hearing is accessible to persons with mobility impairment. Persons with sight or hearing impairments are requested to notify the contact person for these hearings (listed below) in order to make special arrangements, if necessary.

PRESENTATION OF ORAL AND/OR WRITTEN COMMENTS

All persons are invited to submit written comments to the Insurance Commissioner prior to the public hearing on the proposed amendments contained in the WCIRB's filing. Such comments should be addressed to:

California Department of Insurance
Attn: Christopher A. Citko
Senior Staff Counsel
300 Capitol Mall, 17th Floor
Sacramento, CA 95814

(916) 492-3187
(916) 324-1883 (FAX)
citkoc@insurance.ca.gov

Any interested person may present oral and/or written testimony at the scheduled public hearing. Written comments and oral testimony will be given equal weight in the Insurance Commissioner's deliberations.

DEADLINE FOR WRITTEN COMMENTS

All written material, unless submitted at the hearing, must be received by the Insurance Commissioner at the address, FAX number, or email address listed above no later than 5:00 p.m. on Tuesday, October 19, 2010.

TEXT OF REGULATIONS AND STATEMENT OF REASONS AVAILABLE

The Insurance Commissioner has prepared an Initial Statement of Reasons for the proposed regulations, in addition to the informative digest included in this Notice of Proposed Action and Notice of Public Hearing.

The express terms of the proposed regulations as contained in the WCIRB's filing, the Notice of Proposed Action and Notice of Public Hearing and the Initial Statement of Reasons will be made available for inspection or provided without charge upon written request to the contact person for these hearings (listed above). The filing may be viewed or downloaded from the Regulatory Filings section of the WCIRB website (www.wcirbonline.org).

ACCESS TO RULE-MAKING FILE, CONTACT

Any interested person may inspect a copy of or direct questions about the proposed regulations or other matters relative to the WCIRB's filing, the statement of reasons thereof, and any supplemental information contained in the rule-making file upon application to the contact person (listed above). The rule-making file will be available for inspection at 300 Capitol Mall, 17th Floor, Sacramento, California 95814, between the hours of 9:00 a.m. and 5:00 p.m., Monday through Friday.

AUTOMATIC MAILING

A copy of this Notice, including the informative digest that contains the general substance of the proposed regulations, automatically will be sent to all persons on the Insurance Commissioner's Bulletins and Rulings, and California Government Code mailing lists.

ADOPTION OF REGULATIONS

Following the hearing, the Insurance Commissioner may adopt or approve regulations substantially as described in this Notice and informative digest or he may adopt or approve modified regulations. He also may refuse to adopt or approve the regulations. Notice of the Insurance Commissioner's action will be sent to all persons on the Insurance Commissioner's Bulletins and Rulings mailing list and to those persons who have otherwise requested notice of the Commissioner's action.

TITLE 16. MEDICAL BOARD OF CALIFORNIA

NOTICE IS HEREBY GIVEN that the Medical Board of California (hereinafter referred to as the "Board") is proposing to take the action described in the Informative Digest. Any person interested may present statements or arguments orally or in writing relevant to the action proposed at a hearing to be held at Long Beach Memorial Hospital Miller Children's Hospital, 2801 Atlantic Avenue, Long Beach, California 90806,

at 9:00 a.m., November 5, 2010. Written comments, including those sent by mail, facsimile, or e-mail to the addresses listed under Contact Person in this Notice, must be received by the Board at its office not later than 5:00 p.m. on October 25, 2010 or must be received at the hearing. The Board, upon its own motion or at the instance of any interested party, may thereafter adopt the proposals substantially as described below or may modify such proposals if such modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified proposal will be available for 15 days prior to its adoption from the person designated in this Notice as contact person and will be mailed to those persons who submit written or oral testimony related to this proposal or who have requested notification of any changes to the proposal.

Authority and Reference: Pursuant to the authority vested by Section 2018 of the Business and Professions Code, and to implement, interpret or make specific Sections 2088 and 2441 of said Code, the Board is considering changes to Division 13 of Title 16 of the California Code of Regulations as follows:

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Adopt Sections 1315.50, 1315.53, and 1315.55 in Article 4.5 in Chapter 1 of Division 13 of Title 16, Cal. Code Regs, relating to the Limited Practice License.

The Limited Practice License does not exist in current regulation.

This proposal sets forth the requirements and criteria for the limited practice license. Legislation, AB 501, effective January 1, 2010, authorizes the Licensing Program to issue a limited practice license to an applicant for licensure who is otherwise eligible for a medical license in California but is unable to practice all aspects of medicine safely due to a disability. Parallel language was also prepared to ensure the limited practice license issuance criteria is consistent with the criteria for the current disabled status.

FISCAL IMPACT ESTIMATES

Fiscal Impact on Public Agencies Including Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State: None

Nondiscretionary Costs/Savings to Local Agencies: None

Local Mandate: None

Cost to Any Local Agency or School District for Which Government Code Section 17500–17630 Require Reimbursement: None

Business Impact: The Board has made an initial determination that the proposed regulatory action would have no significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.

Impact on Jobs/New Businesses:

The Board has determined that this regulatory proposal will have a small impact on the creation of jobs given that it will allow a physician who may not be eligible for a full and unrestricted physician's and surgeon's medical license due to a disability the opportunity to apply for a limited practice license and practice medicine in California.

The Board has determined that this regulatory proposal will not have any impact on the creation of new businesses or the elimination of jobs or existing businesses or the expansion of businesses in the State of California.

Cost Impact on Representative Private Person or Business:

The Board is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

Effect on Housing Costs: None

EFFECT ON SMALL BUSINESS

The Board has determined that the proposed regulations would not affect small businesses. The Board does not license businesses, the Board licenses individuals; therefore, there is no impact on small businesses or any business.

CONSIDERATION OF ALTERNATIVES

The Board must determine that no reasonable alternative it considered to the regulation or that has otherwise been identified and brought to its attention would either be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposal described in this Notice. Any interested person may present statements or arguments orally or in writing relevant to the above determinations at the above-mentioned hearing.

INITIAL STATEMENT OF REASONS AND INFORMATION

The Board has prepared an initial statement of the reasons for the proposed action and has available all the information upon which the proposal is based. Copies of the initial statement of reasons and all of the informa-

tion upon which the proposal is based may be obtained from the person designated in the Notice under Contact Person or by accessing the Board's website: http://medbd.ca.gov/laws/regulations_proposed.html.

TEXT OF PROPOSAL

Copies of the exact language of the proposed regulations and of the initial statement of reasons, and all of the information upon which the proposal is based, may be obtained at the hearing or prior to the hearing upon request from the person designated in this Notice under Contact Person or by accessing the Board's website: http://www.medbrd.ca.gov/laws/regulations_proposed.html.

AVAILABILITY AND LOCATION OF THE FINAL STATEMENT OF REASONS AND RULEMAKING FILE

All the information upon which the proposed regulations are based is contained in the rulemaking file which is available for public inspection by contacting the person named below.

You may obtain a copy of the final statement of reasons once it has been prepared, by making a written request to the contact person named below, or by accessing the Board's website: http://www.medbd.ca.gov/laws/regulations_proposed.html.

CONTACT PERSON

Inquiries or comments concerning the proposed rule-making action may be addressed to:

Name: Fayne Boyd, Licensing Manager
Medical Board of California
Address: 2005 Evergreen Street, Suite
1200
Sacramento, CA 95815
Telephone No.: (916) 274-5983
Fax No.: (916) 263-2487
E-Mail Address: regulations@mbc.ca.gov

The backup contact person is:

Name: Kevin A. Schunke
Medical Board of California
Address: 2005 Evergreen Street, Suite
1200
Sacramento, CA 95815
Telephone No.: (916) 263-2389
Fax No.: (916) 263-2387
E-Mail Address: regulations@mbc.ca.gov

Website Access: Materials regarding this proposal can be found at: http://www.medbd.ca.gov/laws/regulations_proposed.html.

TITLE 16. MEDICAL BOARD OF CALIFORNIA

NOTICE IS HEREBY GIVEN that the Medical Board of California (hereinafter referred to as the "Board") is proposing to take the action described in the Informative Digest. Any person interested may present statements or arguments orally or in writing relevant to the action proposed at a hearing to be held at Long Beach Memorial Hospital Miller Children's Hospital, 2801 Atlantic Avenue, Long Beach, California 90806, at 9:05 a.m., November 5, 2010. Written comments, including those sent by mail: facsimile, or e-mail to the addresses listed under Contact Person in this Notice, must be received by the Board at its office not later than 5:00 p.m. on October 25, 2010 or must be received at the hearing. The Board, upon its own motion or at the instance of any interested party, may thereafter adopt the proposals substantially as described below or may modify such proposals if such modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified proposal will be available for 15 days prior to its adoption from the person designated in this Notice as contact person and will be mailed to those persons who submit written or oral testimony related to this proposal or who have requested notification of any changes to the proposal.

Authority and Reference: Pursuant to the authority vested by Sections 163.5, 2018 and 3577 of the Business and Professions Code, and to implement, interpret or make specific Sections 163.5 and 3577 of said Code, the Board is considering changes to Division 13 of Title 16 of the California Code of Regulations as follows:

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Adopt Sections 1378.1, 1378.3, 1378.5, 1378.7, 1378.9, 1378.11, 1378.13, 1378.15, 1378.17, 1378.19, 1378.25, 1378.27, 1378.29, and 1378.35 in Article 1 of Chapter 3.5 of Division 13, relating to the Polysomnography Program.

The Polysomnography Program is not addressed in current regulation.

This proposal requires the Medical Board of California to implement Legislation, SB 132, effective October 23, 2009. This bill requires the Medical Board of California to adopt regulations within one year after the effective date of this act relative to the qualifications for certified polysomnographic technologists, technicians

and trainees. SB 132 prohibits a person from using the title “certified polysomnographic technologist” or engaging in the practice of polysomnography unless he or she is registered as a certified polysomnographic technologist in California.

These proposed regulations will establish the Polysomnography Program, including the application and registration requirements, required education and examinations, disciplinary actions, etc.

The application [FORM: PST-1A (8/10)] and work experience verification [FORM: PST-1WEV (8/10)] are incorporated by reference.

FISCAL IMPACT ESTIMATES

Fiscal Impact on Public Agencies Including Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State: None

Nondiscretionary Costs/Savings to Local Agencies: None

Local Mandate: None

Cost to Any Local Agency or School District for Which Government Code Section 17561 Requires Reimbursement: None

Business Impact: The Board has made an initial determination that the proposed regulatory action would have no significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.

Impact on Jobs/New Businesses:

The Board has determined that this regulatory proposal will not have a significant adverse economic impact on the creation of jobs or new businesses or the elimination of jobs or existing businesses or the expansion of businesses in the State of California.

The regulation impacts those persons applying to the Medical Board of Polysomnography technologist, technician and trainees registration as well as those licensed physicians and surgeons who elect to supervise them.

The proposed regulation may create jobs in California as it prescribes a pathway for persons to become licensed in a health care field. Supervising physicians may hire registrants to provide these services.

Cost Impact on Representative Private Person or Business:

The Board is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

Effect on Housing Costs: None

EFFECT ON SMALL BUSINESS

The Board has determined that the proposed regulations would not affect small businesses. The Board does not license businesses, the Board licenses individuals; therefore, there is no impact on small businesses or any business.

CONSIDERATION OF ALTERNATIVES

The Board must determine that no reasonable alternative it considered to the regulation or that has otherwise been identified and brought to its attention would either be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposal described in this Notice. Any interested person may present statements or arguments orally or in writing relevant to the above determinations at the above-mentioned hearing.

INITIAL STATEMENT OF REASONS AND INFORMATION

The Board has prepared an initial statement of the reasons for the proposed action and has available all the information upon which the proposal is based. Copies of the initial statement of reasons and all of the information upon which the proposal is based may be obtained from the person designated in the Notice under Contact Person or by accessing the Board’s website: http://medbd.ca.gov/laws/regulations_proposed.html.

TEXT OF PROPOSAL

Copies of the exact language of the proposed regulations and of the initial statement of reasons and all of the information upon which the proposal is based, may be obtained at the hearing or prior to the hearing upon request from the person designated in this Notice under Contact Person or by accessing the Board’s website: http://www.medbd.ca.gov/laws/regulations_proposed.html.

AVAILABILITY AND LOCATION OF THE FINAL STATEMENT OF REASONS AND RULEMAKING FILE

All the information upon which the proposed regulations are based is contained in the rulemaking file which is available for public inspection by contacting the person named below.

You may obtain a copy of the final statement of reasons once it has been prepared, by making written request to the contact person named below, or by acces-

sing the Board's website: http://www.medbd.ca.gov/laws/regulations_proposed.html.

CONTACT PERSON

Inquiries or comments concerning the proposed rule-making action may be addressed to:

Name: Fayne Boyd, Licensing Manager
Medical Board of California
Address: 2005 Evergreen Street, Suite 1200
Sacramento, CA 95815
Telephone No.: (916) 274-5983
Fax No.: (916) 263-2487
E-Mail Address: regulations@mbc.ca.gov

The backup contact person is:

Name: Kevin A. Schunke
Medical Board of California
Address: 2005 Evergreen Street, Suite 1200
Sacramento, CA 95815
Telephone No.: (916) 263-2389
Fax No.: (916) 263-2387
E-Mail Address: regulations@mbc.ca.gov

Website Access: Materials regarding this proposal can be found at: http://www.medbd.ca.gov/laws/regulations_proposed.html.

TITLE 16. PHYSICIAN ASSISTANT COMMITTEE

NOTICE IS HEREBY GIVEN that the Physician Assistant Committee is proposing to take the action described in the Informative Digest. Any person interested may present statements or arguments orally or in writing relevant to the action proposed at a hearing to be held at 2005 Evergreen Street, Hearing Room 1150, Sacramento, California, at 1:15 p.m., on 28 October 2010. Written comments, including those sent by mail, facsimile, or e-mail to the addresses listed under Contact Person in this Notice, must be received by the Physician Assistant Committee at its office no later than 5:00 p.m. on 25 October 2010, or must be received by the Physician Assistant Committee at the hearing. The Physician Assistant Committee, upon its own motion or at the instance of any interested party, may thereafter adopt the proposals substantially as described below or may modify such proposals if such modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified proposal will be available for 15 days prior to its adoption from the person designated in this

Notice as contact person and will be mailed to those persons who submit written or oral testimony related to this proposal or who have requested notification of any changes to the proposal.

Authority and Reference: Pursuant to the authority vested by Sections 2018, 3504.1, 3510, 3527, 3528, 3529, 3530, 3531, 3532, 3533 Business and Professions Code and Section 11400.20 Government Code, and to implement, interpret or make specific Sections 729, 3504.1, 3510, 3514.1, 3519.5, 3527, 3528, 3529, 3530, 3531, 3532, 3533 Business and Professions Code, Sections 11400.20, 11415.60, 11425.50(e), 11415.60 Government Code, and Section 44010 Education Code, the Physician Assistant Committee is considering changes to Division 13.8 of Title 16 of the California Code of Regulations as follows:

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Business and Professions Code Section 3510 authorizes the Physician Assistant Committee (Committee) to adopt, amend, or repeal regulations as may be necessary to enable it to carry into effect the provisions of the Physician Assistant Practice Act. The Committee is proposing the following changes:

Business and Professions Code section 3504.1 mandates that protection of the public shall be the highest priority of the Committee in exercising its licensing, regulatory, and disciplinary functions. Whenever the protection of the public is inconsistent with other interests sought to be promoted, the protection of the public shall be paramount.

This proposal would make specific regulatory changes to enhance the Committee's mandate of consumer protection.

This proposal would delegate authority to the Executive Officer the ability to accept default decisions, to approve settlement agreements for revocation, surrender, default decisions, or interim suspension of a license.

This proposal would authorize the Committee to order an applicant for licensure to submit to a physical or mental examination if it appears that the applicant may be unable to safely perform the duties and functions of a physician assistant due to physical or mental illness affecting competency. Additionally, if after receiving the evaluation report the Committee determines that the applicant is unable to practice safely, the Committee may deny the application.

This proposal would also require that in specific cases of a licensee having sexual contact with a patient or any finding that a licensee has committed a sex offense, or been convicted of a sex offense, a proposed decision would contain an order revoking the license. The

proposed order could not contain an order staying the revocation of the license.

Additionally, this proposal would define required disciplinary action to be taken by the Committee against registered sex offenders who are applicants or licensees.

The proposal would, in addition to conduct described in Business and Professions Code Section 3527, define "Unprofessional Conduct" as prohibiting the inclusion of provisions in civil dispute settlement agreements prohibiting a person from contacting, cooperating with, filing, or withdrawing a complaint with the Committee.

The definition of "Unprofessional Conduct" would also include failure of the licensee to provide lawfully requested documents; the commission of any act of sexual abuse or misconduct; failure to cooperate with an investigation pending against the licensee; failure to report an indictment, charging a felony, arrest, conviction of the licensee; failure to report any disciplinary action taken by another licensing entity or authority; or failure to comply with a court order issued in the enforcement of a subpoena mandating the release of records to the Committee.

FISCAL IMPACT ESTIMATES

Fiscal Impact on Public Agencies Including Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State: Minor.

Nondiscretionary Costs/Savings to Local Agencies: None.

Local Mandate: None.

Cost to Any Local Agency or School District for Which Government Code Sections 17500–17630 Require Reimbursement: None.

Business Impact:

The Committee has made an initial determination that the proposed regulatory action would have no significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states because it only affects individual licensees.

AND

The following studies/relevant data were relied upon in making the above determination: None.

Impact on Jobs/New Businesses:

The Committee has determined that this regulatory proposal will not have any impact on the creation of jobs or new businesses or the elimination of jobs or existing businesses or the expansion of businesses in the

State of California because it only affects individual licensees.

Cost Impact on Representative Private Person or Business:

The cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action and that are known to the Committee are costs associated with a disciplinary order. Costs only affect individuals who are applying for licensure or licensees being disciplined. These costs may include fees for a physical or mental examination and attorney fees associated with license denial or disciplinary action.

Effect on Housing Costs: None

EFFECT ON SMALL BUSINESS

The Committee has determined that the proposed regulations would not affect small businesses because the regulations are applicable only to applicants or physician assistants who are disciplined by the Committee.

CONSIDERATION OF ALTERNATIVES

The Committee must determine that no reasonable alternative it considered to the regulation or that has otherwise been identified and brought to its attention would either be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposal described in this Notice.

Any interested person may present statements or arguments orally or in writing relevant to the above determinations at the above-mentioned hearing.

INITIAL STATEMENT OF REASONS AND INFORMATION

The Committee has prepared an initial statement of the reasons for the proposed action and has available all the information upon which the proposal is based. It may be obtained at the hearing or prior to the hearing upon request from the Committee at 2005 Evergreen Street, Suite 1100, Sacramento, California 95815 or on the Committee's website at: www.pac.ca.gov.

TEXT OF PROPOSAL

Copies of the exact language of the proposed regulations and of the initial statement of reasons, and all of the information upon which the proposal is based, may be obtained at the hearing or prior to the hearing upon request from the Committee at 2005 Evergreen Street, Suite 1100, Sacramento, California 95815 or on the Committee's website: www.pac.ca.gov.

AVAILABILITY AND LOCATION OF THE
FINAL STATEMENT OF REASONS AND
RULEMAKING FILE

All the information upon which the proposed regulations are based is contained in the rulemaking file which is available for public inspection by contacting the person named below.

You may obtain a copy of the final statement of reasons once it has been prepared, by making a written request to the contact person named below or by accessing the website listed below.

CONTACT PERSON

Any inquiries or comments concerning the proposed rulemaking action may be addressed to:

Name: Glenn Mitchell
Address: 2005 Evergreen Street, Suite 1100
Sacramento, CA 95815
Telephone No.: (916) 561-8783
Fax No.: (916) 263-2671
E-Mail Address: glenn.mitchell@mbc.ca.gov

The backup contact person is:

Name: Elberta Portman
Address: 2005 Evergreen Street, Suite 1100
Sacramento, CA 95815
Telephone No.: (916) 561-8782
Fax No.: (916) 263-2671
E-Mail Address: elberta.portman@mbc.ca.gov

Website Access: Materials regarding this proposal can be found at: www.pac.ca.gov.

**TITLE 16. PHYSICIAN ASSISTANT
COMMITTEE**

NOTICE IS HEREBY GIVEN that the Physician Assistant Committee is proposing to take the action described in the Informative Digest. Any person interested may present statements or arguments orally or in writing relevant to the action proposed at a hearing to be held at 2005 Evergreen Street, Hearing Room 1150, Sacramento, California, at 1:00 p.m. on 28 October 2010. Written comments, including those sent by mail, facsimile, or e-mail to the addresses listed under Contact Person in this Notice, must be received by the Physician Assistant Committee at its office no later than 5:00 p.m. on 25 October 2010 or must be received by the Physician Assistant Committee at the hearing. The Physician Assistant Committee, upon its own motion or

at the instance of any interested party, may thereafter adopt the proposals substantially as described below or may modify such proposals if such modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified proposal will be available for 15 days prior to its adoption from the person designated in this Notice as contact person and will be mailed to those persons who submit written or oral testimony related to this proposal or who have requested notification of any changes to the proposal.

Authority and Reference: Pursuant to the authority vested by Section 3510 of the Business and Professions Code, and to implement, interpret or make specific Section 138 of said Code, the Physician Assistant Committee is considering changes to Division 13.8 of Title 16 of the California Code of Regulations as follows:

INFORMATIVE DIGEST/POLICY STATEMENT
OVERVIEW

Business and Professions Code Section 3510 authorizes the Committee to adopt, amend, or repeal regulations as may be necessary to enable it to carry into effect the provisions of the Physician Assistant Practice Act. The Committee is proposing the following changes:

Adopt Section 1399.547

Business and Professions Code Section 138 requires that every board within the Department of Consumer Affairs adopt regulations requiring its licensees to provide notification to their customers that the practitioner is licensed by the state.

This proposal implements Business and Professions Code Section 138 by requiring physician assistant licensees to notify consumers that they are licensed by the Physician Assistant Committee.

FISCAL IMPACT ESTIMATES

Fiscal Impact on Public Agencies Including Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State: Minor.

Nondiscretionary Costs/Savings to Local Agencies: None.

Local Mandate: None.

Cost to Any Local Agency or School District for Which Government Code Sections 17500-17630 Require Reimbursement: None.

Business Impact:

The board has made an initial determination that the proposed regulatory action would have no significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.

AND

The following studies/relevant data were relied upon in making the above Determination: None.

Impact on Jobs/New Businesses:

The Physician Assistant Committee has determined that this regulatory proposal will not have any impact on the creation of jobs or new businesses or the elimination of jobs or existing businesses or the expansion of businesses in the State of California.

Cost Impact on Representative Private Person or Business:

The Physician Assistant Committee is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

Effect on Housing Costs: None.

EFFECT ON SMALL BUSINESS

The Physician Assistant Committee has determined that the proposed regulations would affect small businesses because some licensees may work in a small business practice setting.

This proposed regulation would require licensees to determine which of three notification methods would be the most appropriate for their practice setting. The three (3) methods include: posting a sign where their patients may see it; include a written statement signed and dated by the patient and placed in their medical record; or include the notification language on another document just above the patient signature line.

The Committee believes that the impact would be minimal, since it is anticipated that most offices will post one (1) sign in an area where their patients may see it.

CONSIDERATION OF ALTERNATIVES

The Physician Assistant Committee must determine that no reasonable alternative it considered to the regulation or that has otherwise been identified and brought to its attention would either be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposal described in this Notice.

Any interested person may present statements or arguments orally or in writing relevant to the above determinations at the above-mentioned hearing.

INITIAL STATEMENT OF REASONS
AND INFORMATION

The Physician Assistant Committee has prepared an initial statement of the reasons for the proposed action

and has available all the information upon which the proposal is based. It may be obtained at the hearing or prior to the hearing upon request from the Physician Assistant Committee at 2005 Evergreen Street, Suite 1100, Sacramento, California 95815 or on the committee's website at: www.pac.ca.gov.

TEXT OF PROPOSAL

Copies of the exact language of the proposed regulations and of the initial statement of reasons, and all of the information upon which the proposal is based, may be obtained at the hearing or prior to the hearing upon request from the Physician Assistant Committee at 2005 Evergreen Street, Suite 1100, Sacramento, California 95815 or on the committee's website: www.pac.ca.gov.

AVAILABILITY AND LOCATION OF THE
FINAL STATEMENT OF REASONS AND
RULEMAKING FILE

All the information upon which the proposed regulations are based is contained in the rulemaking file which is available for public inspection by contacting the person named below.

You may obtain a copy of the final statement of reasons once it has been prepared, by making a written request to the contact person named below or by accessing the website listed below.

CONTACT PERSON

Any inquiries or comments concerning the proposed rulemaking action may be addressed to:

Name: Glenn Mitchell
Address: 2005 Evergreen Street, Suite 1100
Sacramento, CA 95815
Telephone No.: (916) 561-8783
Fax No.: (916) 263-2671
E-Mail Address: glenn.mitchell@mbc.ca.gov

The backup contact person is:

Name: Elberta Portman
Address: 2005 Evergreen Street, Suite 1100
Sacramento, CA 95815
Telephone No.: (916) 561-8782
Fax No.: (916) 263-2671
E-Mail Address: elberta.portman@mbc.ca.gov

Website Access: Materials regarding this proposal can be found at: www.pac.ca.gov.

TITLE 16. STATE BOARD OF GUIDE DOGS FOR THE BLIND

NOTICE IS HEREBY GIVEN that the State Board of Guide Dogs for the Blind (hereinafter “board”) is proposing to take the action described in the Informative Digest. Any person interested may present statements or arguments orally or in writing relevant to the action proposed at a hearing to be held on **October 25, 2010, at 350 Los Ranchitos Road, San Rafael, CA 94903 at 1:30 p.m.** Written comments, including those sent by mail, facsimile, or e-mail to the addresses listed under Contact Person in this Notice, must be received by the board at its office **on or before** October 25, 2010, or **must be received by the Board at the hearing.** The Board, upon its own motion or at the instance of any interested party, may thereafter adopt the proposals substantially as described below or may modify such proposals if such modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified proposal will be available for 15 days prior to its adoption from the person designated in this Notice as contact person and will be mailed to those persons who submit written or oral testimony related to this proposal or who have requested notification of any changes to the proposal.

Authority and Reference: Pursuant to the authority vested by Sections 7208 and 7209 of the Business and Professions Code, and to implement, interpret or make specific Sections 7208 and 7209 of said Code, the board is considering changes to Division 22 of Title 16 of the California Code of Regulations as follows:

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Business and Professions Code section 7208, authorizes the Board to govern the admission of applicants for examination for licensure to instruct blind persons in the use of guide dogs or to engage in the business of training, selling, hiring, or being in the business of supplying guide dogs for the blind; govern the operation of schools which furnish guide dogs and train blind persons to use guide dogs. Section 7209 prescribes four requirements be met before exam eligibility. These requirements are:

1. Amend section 2260

Existing regulation allows a person to be eligible for examination for license as a guide dog instructor to verify training of 22 person-dog units, and allows for additional experience in kennel work or dog training only be credited, provided it is an apprentice in a guide dog school under a qualified instructor. Additionally, the guide dog instructor, after becoming licensed, must

make up the lacking experience within one year, otherwise, have his or her license revoked.

This proposed regulation would:

- > Clarify three (3) years of full time experience required before qualifying an applicant to sit for the license examination.
- > Change term “person dog units” to “guide dog teams” (to comply with international training terms).
- > Delete reference to requirement for both years of experience and number of person dog units made up one year after obtaining license, otherwise to be revoked.
- > Add a requirement that experience be obtained while under the supervision of an instructor who meets standards equivalent to those licensed by the Board and as determined by the Board.
- > Add reference to minimum competency as set forth by sections 2266 and 2282.1.
- > Define “full time” as an average of 32 hours per week.
- > Add a verification provided to the Board, from an individual in a supervisory position, stating the individual has met the requirements as specified in subsection (a).

2. Amend section 2266

Existing regulation states that a school shall not employ, or keep in its employ an apprentice who is not suited to work with blind persons in the use of guide dogs and who has not had at least one year’s experience working with the training of dogs. Existing regulation also requires that every apprentice at a licensed guide dog school undergo a systematic organized program of instruction which has been approved by the Board meeting five (5) different criteria. In addition, no apprentice shall be permitted to train any guide dog except under the direct and immediate supervision of a licensed instructor until he has completed not less than 20 hours of such instruction a week for a period of not less than one year.

This proposed regulation would:

- > Eliminate the requirement that an apprentice have one year’s actual experience working with the training of dogs. Such a requirement may discourage individuals from becoming an apprentice. Previous dog experience is not applicable to the Guide Dog field. Because of the unique aspects of Guide Dog training programs, it is often easier to instruct trainees who do not have prior dog training/handling experience. The Board’s apprentice programs are comprehensive and cover all aspects of dog training required. With more of a focus on client training (training of blind persons), bringing in apprentices with more

emphasis on this side is often helpful in giving them experience to draw upon client-related activities. Client training has become more of a focus for apprentices over the years as is indicated in the current Occupational Analysis performed by the Board. Many trainees are entering the field carrying degrees from a client-based background rather than a dog-based background (i.e., Orientation & Mobility (O&M), Psychology, etc.).

- > Delete reference to “train” and change to “instruct” any guide dog, adding “team” to be consistent with international training definitions.
- > Delete the not less than 20 hours a week for a period of not less than one year instruction requirement, changing the requirement to not less than 20 hours of instruction.

3. Amend section 2282

Existing regulation prescribes that preliminary training of dogs is a minimum of 90 days, six (6) months preceding the assignment of a guide dog to a blind person.

This proposed regulation would:

- > Delete reference to “Preliminary Training of Dogs,” and replace with “Assignment of Dogs.”
- > Require that instead of six (6) months prior to assignment of a guide dog, there be a 60 day period to verify training.
- > Delete reference to the number of days of training required, and rely on minimum competencies met and verified via section 2282.1. In order for an instructor/school to assign a guide dog to a blind person, Section 2282.1 will set minimum guide dog competencies. Basing regulations on outcomes ensures quality of final ‘product’ yet gives schools the opportunity to advance and improve techniques which may allow for more flexible training schedules.

4. Amend section 2282.1

Existing regulation establishes that certain competencies be met for guide dog training.

This proposed regulation would:

- > Re-number section 2282.1 to 2282.
- > Add requirements that guide dogs meet an additional four (4) competencies through training and testing (§§ 2282(a)(9–12) (b). Currently, there are eight (8) competency requirements to be expected of a team-ready guide dog. Also, there are no testing requirements for the existing competencies. This section would be amended to be more current with international training terminology and add additional requirements. The best existing practice of schools is to test each

guide dog before pairing it with a client. Consumers requested codification into law of this best practice. This requirement would ensure the best practice continue for existing schools and exist for any new guide dog schools. In addition, all competencies will be tested and documented for verification.

FISCAL IMPACT ESTIMATES

Fiscal Impact on Public Agencies Including Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State: None

Nondiscretionary Costs/Savings to Local Agencies: None

Local Mandate: None

Cost to Any Local Agency or School District for Which Government Code Sections 17500–17630 Require Reimbursement: None

Business Impact:

The Board has made an initial determination that the proposed regulatory action would have no significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states. The Board used a Practice Task Force, primarily represented by all three (3) licensed guide dog schools, recommending final language to the Board to make this determination.

Impact on Jobs/New Businesses:

The Board has determined that this regulatory proposal will not have any impact on the creation of jobs or new businesses, or the elimination of jobs or existing businesses, or the expansion of businesses in the State of California. Because the Board relies on the input from the three (3) licensed schools, the feedback from the schools has not indicated any positive or negative impact on guide dog instructor jobs in the State.

Cost Impact on Representative Private Person or Business:

The Board has determined that there is no cost impact on private persons or places of business. There is no cost to guide dog users and the proposed language does not place any additional burdens on the schools which would result in additional costs. The agency is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

Effect on Housing Costs: None

EFFECT ON SMALL BUSINESS

The Board has determined that the proposed regulations would not affect small businesses because the affected guide dog schools are non-profit organizations.

CONSIDERATION OF ALTERNATIVE

The Board must determine that no reasonable alternative it considered to the regulation or that has otherwise been identified and brought to its attention would either be more effective in carrying out the purpose for which the action is proposed or would be as effective as and less burdensome to affected private persons than the proposal described in this Notice.

Any interested person may present statements or arguments orally or in writing relevant to the above determinations at the above-mentioned hearing.

INITIAL STATEMENT OF REASONS AND INFORMATION

The Board has prepared an initial statement of the reasons for the proposed action and has available all the information upon which the proposal is based.

TEXT OF PROPOSAL

Copies of the exact language of the proposed regulations and of the initial statement of reasons, and all of the information upon which the proposal is based, may be obtained at the hearing or prior to the hearing upon request from the State Board of Guide Dogs for the Blind at 1625 N. Market Blvd., Suite S-202, Sacramento, California 95834.

AVAILABILITY AND LOCATION OF THE FINAL STATEMENT OF REASONS AND RULEMAKING FILE

All the information upon which the proposed regulations are based is contained in the rulemaking file which is available for public inspection by contacting the person named below.

You may obtain a copy of the final statement of reasons once it has been prepared, by making a written request to the contact person named below or by accessing the website listed below.

CONTACT PERSON

Any inquiries or comments concerning the proposed rulemaking action may be addressed to:

Name: Antonette Sorrick, Executive Officer
Address: 1625 N. Market Blvd., Suite S-202
Sacramento, CA 95834
Telephone No.: (916) 574-7825
Fax No.: (916) 574-7829
E-Mail Address: antonette.sorrick@dca.ca.gov

Name: Cenne Jackson, Executive Assistant
Address: 1625 N. Market Blvd., Suite S-202
Sacramento, CA 95834
Telephone No.: (916) 574-7826
Fax No.: (916) 574-7829
E-Mail Address: cenne.jackson@dca.ca.gov

Website Access: Materials regarding this proposal can be found at www.guidedogboard.ca.gov.

TITLE 22. DEPARTMENT OF CHILD SUPPORT SERVICES

NOTICE OF PROPOSED ACTION

R-50-10

Recovery of Overpayments

Proposed Permanent Regulations

NOTICE IS HEREBY GIVEN that the Department of Child Support Services (DCSS) has adopted a different version of these regulations on an emergency basis effective August 2, 2010; and now proposes to adopt this version of them as permanent regulations as Division 13 of Title 22 of the California Code of Regulations Section 119900. These regulations specify a new process for recovery of overpayments. The emergency regulations are scheduled to expire on February 1, 2011. It is the department's intention to complete the certificate of compliance process to permanently adopt the regulations before the emergency regulations expire.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Introduction:

This rulemaking is for the purpose of defining a uniform overpayment recovery process which provides adequate notice of planned offsets to recover case overpayments; presents a variety of repayment and offset rate options; provides a contact phone number for ques-

tions, negotiation of offset rate or presentation of objections; and specifies default offset rate of 50%. The definition of this uniform overpayments recovery process is necessary to facilitate recovery of misdirected trust funds while minimizing hardship.

Descriptions of Provisions:

Section 119900 is proposed to be adopted to define the department's recovery of overpayments by offset process.

Subsection (a) identifies the causes of overpayments for which the department will be establishing offsets to recover the overpayments. We have identified the most frequent causes of overpayments, but unforeseen different circumstances may also arise.

Subsection (b) describes the notification process that will be instituted before any offsets are made. It provides for a series of three collection letters to be sent at 30 day intervals. This process is consistent with State Administrative Manual section 8776.6 requirements. It describes the essential data elements those letters are to include: a.) reference to prior letters, b.) listing of three repayment or offset options, c.) 30 days period to respond, d.) offer recipient option to contact department to negotiate a different offset rate or present an objection, e.) notify recipient that default offset of 50% will be applied if no timely response is received, f.) notify recipient of option to not agree to the repayment or offset options offered and that such an election will be addressed by pursuing other collection efforts for which collection costs may be imposed on the recipient.

Subsection (c) establishes the department's default offset rate at fifty percent (50%) when no response is received to the collection letters. This default rate is established to promote consistent offsetting in the absence of any response.

Authority and Reference Citations:

AUTHORITY

Sections 17306, 17310 and 17312, of the Family Code.

REFERENCE

Family Code Sections 17309, 17310(a), 17311(b)(1), and 17312(a); Government Code Sections 12419.5, 16580, 16581, 16583(a) and 16583.1; 42 U.S.C. Sections 654(27) and 654b; Wightman et. al. v FTB (1988) 202 Cal. App. 3d 966, at 979.

Public Comment Period:

Written public comments presenting statements, arguments, or contentions relating to the text of the proposed regulations will be accepted for a period of forty-five (45) days beginning on September 10, 2010 and ending at 5:00 p.m. on October 25, 2010. Public comments will be accepted by any of the following means:

1. Mailed to:
Dept. of Child Support Services
Legal Division MS-70
Attn: Lucila Ledesma
P.O. Box 419064
Rancho Cordova, CA 95741-9064
2. Faxed to:
Dept. of Child Support Services
Legal Division
Attn: Lucila Ledesma
(916) 464-5069
3. E-mailed to: Lucila.Ledesma@dcss.ca.gov

Public Hearing:

No public hearing is scheduled. Pursuant to the provisions of Government Code Section 11346.8, any interested party may request that a public hearing be scheduled. The request must be in writing and received at the above addresses for the DCSS Legal Division no later than fifteen (15) days prior to the close of the public comment period.

Contacts

Copies of documents and general information regarding this rulemaking may be secured by contacting Lucila Ledesma at 916-464-5181.

In case you are unable to reach Lucila Ledesma, the DCSS alternative contact person for general information about this rulemaking is Janet Ballou at 916-464-5181.

If you have a substantive question regarding the content of this rulemaking, you may contact Lucila Ledesma or Janet Ballou at 916-464-5181.

How to Get Copies of Rulemaking Documents:

Copies of the full text of the proposed regulations, an initial statement of reasons, and all information on which this rulemaking is based may be secured from the contacts at the above addresses. Some of these documents are also available on the Departments public website at www.childsup.cahwnet.gov/, follow the Resources tab to the Regulations webpage.

The full text of a regulation changed pursuant to Government Code Section 11346.8 will be available for at least fifteen (15) days prior to the date on which DCSS adopts the resulting regulation. During that period, it may also be secured from the contacts at the above addresses.

Once the final statement of reasons becomes available it may also be secured from the contact persons identified above or from the DCSS public website at www.childsup.cahwnet.gov/.

Impact on Individuals and Businesses:

The Department is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action. Only payees who have been overpaid will be required to repay the overpaid amount by offsets of subsequent collections otherwise payable to them. These offsets are recoveries of overpayments, not costs to the payees.

The Department has made an initial determination that the regulations would not have a significant state-wide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states. These regulations impact only overpaid payees.

The Department has determined that the regulations would not significantly affect the following:

- (1) The creation or elimination of jobs within the State of California.
- (2) The creation of new businesses or the elimination of existing businesses within the State of California.
- (3) The expansion of businesses currently doing business within the State of California.

The Department has determined that the regulations would not affect small businesses. Small business would not be required to comply with or enforce these regulations nor are they expected to incur either benefits or detriments from them.

Local Mandate:

The Department has determined that the regulations may impose a mandate on local child support agencies, but not on school districts. The costs to local child support agencies are negligible as the state's computer system will handle most of the processing automatically, the contact phone number will be staffed by state employees and the translation services will be paid for by the state directly to the service provider. Local agencies costs are fully funded through:

1. Federal incentives and subventions to local child support agencies under the provisions of 42 United States Code, Section 658(a) and 45 Code of Federal Regulations, Section 304.
2. State incentives and subventions to local child support agencies under the provisions of Family Code, Sections 17700(c) and 17704(b)(2)(B)(i).

Cost to any school district which must be reimbursed in accordance with Government Code Sections 17500–17630: None.

Fiscal Impacts:

- A. Fiscal Effect on Local Government: Negligible and included in annual federal and state incentives and subventions.
- B. Cost or Savings to Any State Agency: Automation change costs have already been expended within budgeted resources. On going costs are negligible and absorbable in existing budget. Savings are anticipated to be an unknown but significant portion of the current monthly overpayments of about \$229,620.00.
- C. Cost or Savings in Federal Funding to the State: None.
- D. Other Nondiscretionary Costs or Savings Imposed on Local Agencies: None.

Impact on Housing Costs:

The Department has determined that these regulations will have no impact on housing costs.

Consideration of Alternatives:

The Department must determine that no reasonable alternative considered by the Department or that has otherwise been identified or brought to the attention of the Department would be more effective in carrying out the purpose for which these regulations are being implemented or would be as effective and less burdensome to affected private persons than these regulations.

GENERAL PUBLIC INTEREST

DEPARTMENT OF FISH AND GAME

Department of Fish and Game — Public Interest Notice

For Publication September 10, 2010
CESA CONSISTENCY DETERMINATION
REQUEST FOR
3192 Juniper Avenue Development Project
Sonoma County
2080–2010–046–03

The Department of Fish and Game (Department) received a notice on August 26, 2010 that Steve Geney and Rod Stevenson, individuals, propose to rely on a consultation between federal agencies to carry out a project that may adversely affect species protected by the California Endangered Species Act (CESA). The proposed action consists of the construction of commercial and industrial condominiums with vehicle parking and associated infrastructure (Project).

The U.S. Fish and Wildlife Service (Service) issued a “no jeopardy” federal biological opinion (File No.

81420-2008-F-1787)(BO) and incidental take statement (ITS) to the U.S. Army Corps of Engineers on May 6, 2010 which considered the effects of the project on the Federally and State threatened California tiger salamander (*Ambystoma californiense*), and the Federally and State endangered Burke's goldfield (*Lasthenia burkei*), Sonoma sunshine (*Blennosperma bakeri*), and Sebastopol meadowfoam (*Limnanthes vicularis*).

Pursuant to California Fish and Game Code Section 2080.1, Steve Geney and Rod Stevenson are requesting a determination that the BO and ITS are consistent with CESA for purposes of the proposed Project. If the Department determines the BO and ITS are consistent with CESA for the proposed Project, Steve Geney and Rod Stevenson will not be required to obtain an incidental take permit under Fish and Game Code section 2081 for the Project.

DEPARTMENT OF FISH AND GAME

Department of Fish and Game — Public Interest Notice

For Publication September 10, 2010
CESA CONSISTENCY DETERMINATION
REQUEST FOR
Abbondanza Square
Sonoma County
2080-2010-047-03

The Department of Fish and Game (Department) received a notice on August 30, 2010 that Abbondanza, LLC proposes to rely on a consultation between federal agencies to carry out a project that may adversely affect species protected by the California Endangered Species Act (CESA). The proposed action would consist of the construction of office, retail, and commercial buildings including a restaurant and small winery.

The U.S. Fish and Wildlife Service (Service) issued a "no jeopardy" federal biological opinion (File No. 81420-2008-F-1946-1)(BO) and incidental take statement (ITS) to the U.S. Army Corps of Engineers on June 1, 2010 which considered the effects of the project on the Federally and State threatened California tiger salamander (*Ambystoma californiense*).

Pursuant to California Fish and Game Code Section 2080.1, Abbondanza, LLC is requesting a determination that the BO and ITS are consistent with CESA for purposes of the proposed Project. If the Department determines the BO and ITS are consistent with CESA for the proposed Project, Abbondanza, LLC will not be required to obtain an incidental take permit under Fish and Game Code section 2081 for the Project.

DEPARTMENT OF FISH AND GAME

CALIFORNIA ENDANGERED SPECIES ACT CONSISTENCY DETERMINATION NO. 2080-2010-037-05

Project: Cabrillo-Santa Ynez 115kV
Reconductoring Project
Location: Santa Barbara County
Applicant: Pacific Gas and Electric Company
Background

Pacific Gas and Electric Company (PG&E) proposes to reconductor approximately 14.5 miles of 115kV wood pole transmission line from the Cabrillo Substation in the city of Lompoc to the Santa Ynez Switching Station in the City of Buellton just west of Highway 101 to reduce the risk of deteriorating reliability in this area (Project). The existing bare aluminum conductor will be replaced with a new 115kV aluminum conductor to meet current standards. Additionally, the existing 125 wood poles will be replaced with new, taller poles to support the heavier conductor. The estimated construction start date is summer 2010 and the estimated completion is June 2011.

New poles will be placed in holes made with a line truck auger attachment and will be between five and six feet deeper than the existing pole holes. When old poles are removed, the soil removed while augering the new pole hole will be used to backfill the old pole hole. PG&E will spread excess wetland soil over the nearest upland pole work area that does not support concentrations of mammal burrows.

Two poles are located within seasonal ponds. To minimize disruption to the pond bottom, the existing wood poles will be cut off at or slightly below the existing ground surface. The sawdust from the cut will be collected and removed from the pond for disposal. The surface of the pond will be returned to original grade using surface soil removed from the new pole location. To minimize potential effects to pond hydrology, the new pole excavation area will be backfilled with a mix of native material and a light additive mixture of bentonite clay material. The area will be reviewed in the first rainy season after construction to verify that the hydrology appears unaffected. Given the wide variation in annual rainfall, this will not be a quantitative monitoring effort, but rather a field review by a qualified wetland scientist.

Vegetation along portions of existing access roads will need to be trimmed or cleared to allow for equipment access. No trees will be removed during vegetation clearing along roads. Chainsaws and manual clip-pers will be used to trim and cut vegetation. Debris will

be shredded and spread over the roadway, or removed from access roads and disposed of outside of the action area. Tree trimming will also be required near four pole sites.

Grading will be confined to minor resurfacing activities to re-establish existing access roads. There will be no major grading or slope alteration. Approximately 0.68 miles of the existing access roads will require resurfacing. Approximately 0.63 acres will be re-graded to a standard width of 12 feet. Work is anticipated to begin in the dry season (June 1 through October 31). Where no existing access roads occur, overland access routes currently used for operation and maintenance work will be utilized.

Portions of the Project site where ground disturbance will occur include: (1) the work area required around each pole (up to a 40-foot-by-100-foot area); (2) pull and tension sites; (3) access routes; and (4) additional staging areas, helicopter sites, and laydown areas.

The activities described above are expected to incidentally take California tiger salamander (*Ambystoma californiense*). In particular, California tiger salamander could be incidentally taken as a result of driving vehicles and equipment within suitable habitat; staging equipment and vehicles within suitable habitat; minor grading of existing access roads; operating vehicles and equipment which results in noise and vibration within suitable habitat; and minor clearing and grading that could result in erosion and deposit of sediments or other pollutants to aquatic habitat. California tiger salamander is designated as a threatened species under the federal Endangered Species Act (ESA) (16 U.S.C. § 1531 et seq.) and a threatened species under the California Endangered Species Act (CESA) (Fish & G. Code, § 2050 et seq.). (See Cal. Code Regs., tit. 14, § 670.5, subd. (b)(3)(G).)

California tiger salamander is documented as present within the Project site at known breeding ponds located at the junction of SR-246 and Campbell Road. Additionally, the 14.6 mile Project corridor falls within a 1.3 mile radius of ponds identified as potential breeding habitat by the United States Fish & Wildlife Service (Service). Two of the existing poles (69 and 70) are located within a seasonal pond identified as LOAL-2 on the Service's California Tiger Salamander Habitats Maps dated October 2009 (Tiger Salamander Maps). Construction activities will take place at known breeding ponds and upland habitat within a 1.3 mile radius of known breeding ponds identified as LOAL-2w and LOAL-2e on the Tiger Salamander Maps and within a 1.3 mile radius of potential California tiger salamander breeding ponds identified as LOMP-13, LOAL-14, LOAL-10, LOAL-66, LOAL-67, LOAL-7,

LOAL-8, LOAL-9, and ZACR-10 on the Tiger Salamander Maps. Because of the proximity of the nearest documented California tiger salamander, dispersal patterns of California tiger salamander, and the presence of suitable California tiger salamander habitat within the Project site, the Service determined California tiger salamander is reasonably certain to occur within the Project site and that Project activities are expected to result in the incidental take of the species.

According to the Service, construction of the Project will result in the temporary loss of 5.58 acres of upland California tiger salamander habitat.

Because the Project has the potential to take a species designated as threatened under ESA, the Army Corps of Engineers (Corps) consulted with the Service as required by ESA. On July 22, 2010, the Service issued a Biological Opinion (Service file No. 81440-2010-F-0273) (BO) to the Corps. The BO describes the Project, requires PG&E to comply with terms of the BO and its incidental take statement (ITS), and incorporates additional measures.

On July 29, 2010, the Director of the Department of Fish and Game (DFG) received notice from PG&E requesting a determination, pursuant to Fish and Game Code Section 2080.1, that the BO and ITS are consistent with CESA for purposes of the Project and California tiger salamander. (Cal. Reg. Notice Register 2010, No. 33-Z, p. 1262.)

Determination

DFG has determined that the BO, including the ITS, is consistent with CESA as to the Project and California tiger salamander because the mitigation measures contained in the BO and ITS meet the conditions set forth in Fish and Game Code section 2081, subdivisions (b) and (c), for authorizing incidental take of a CESA-listed species. Specifically, DFG finds that: (1) take of California tiger salamander will be incidental to an otherwise lawful activity; (2) the mitigation measures identified in the BO and ITS will minimize and fully mitigate the impacts of the authorized take; (3) adequate funding is ensured to implement the identified measures, and to monitor compliance with, and the effectiveness of, those measures; and (4) the Project will not jeopardize the continued existence of California tiger salamander. The mitigation measures in the BO and ITS include, but are not limited to, the following:

Minimization, Mitigation, and Monitoring Measures

- PG&E will permanently protect 1.42 acres of California tiger salamander habitat through the acquisition, conservation, management, and funding of occupied California tiger salamander habitat or purchase of California tiger salamander credits at a bank, all subject to DFG approval.

Financial Assurances

- Prior to the initiation of Project activities, PG&E will provide an irrevocable letter of credit, in a form approved by DFG, to ensure funding for the performance of DFG-required mitigation, including site preparation, re-vegetation, restoration, enhancement, maintenance, monitoring, reporting, and long-term management. The letter of credit will name DFG as co-beneficiary and will be in the amount of \$18,125, sufficient to cover purchase of 1.42 acres of California tiger salamander habitat conservation credits at an expected cost of \$12,500 per acre.
- If a bank is not available at the end of the 18-month period, PG&E will provide endowment funds to DFG within 120 days (by means of a letter of credit or other DFG-approved account) to be used for the purchase and management of 1.42 acres of habitat mitigation lands in perpetuity. If costs vary, the endowment may be amended to reflect market changes, subject to approval by DFG.

Take Avoidance Measures

- A Service- and DFG-approved biologist will perform preconstruction surveys in construction areas that are within 1.3 miles of known or potential breeding habitat for California tiger salamander. Any California tiger salamander found within the Project site will be captured and relocated to a suitable location prior to start of construction.
- During the period of June 1 through October 1, the Applicant will limit ground-disturbing construction activities in suitable habitat within 790 feet of known or potential California tiger salamander breeding habitat.
- PG&E will backfill or cover all pole holes and other trenches at the end of each work day. Covered holes and trenches will be inspected by Service- and DFG-approved biologist prior to re-initiating construction.
- Construction activities in upland habitat within 1.3 miles of a known or potential breeding pond will not begin prior to 30 minutes after sunrise and will cease no later than 30 minutes before sunset.
- A Storm Water Pollution Prevention Plan (SWPPP) and erosion control measures will be implemented to prevent sediment and pollutants from entering aquatic habitat.
- Clearing and grading will be limited to existing access roads. Overland access routes and areas around pole sites will not require grading or vegetation removal other than tree trimming.

- A qualified biologist will conduct a worker-awareness training to educate all construction personnel about avoidance and minimization measures and conditions to protect biological resources.
- A biological monitor will be onsite during construction activities near and within suitable habitat for listed species. The monitor will ensure permit compliance by monitoring the site, stopping or directing work as appropriate, documenting monitoring activities, and providing a summary report to DFG and the Service.
- PG&E will implement litter and trash management activities, parking restrictions, route and speed limits for vehicle and equipment access, vehicle and equipment maintenance and refueling restrictions, minimization of fire hazards, and pet restrictions.

Notification and Reporting

- PG&E or the Corps will provide a written annual report to the Service and DFG by January 27 of each year the BO is in effect.

Pursuant to Fish and Game Code Section 2080.1, incidental take authorization under CESA is not required for the Project for incidental take of California tiger salamander, provided the Applicant implements the Project as described in the BO, including adherence to all measures contained therein, and complies with the mitigation measures and other conditions described in the BO and ITS. If there are any substantive changes to the Project, including changes to the mitigation measures, or if the Service amends or replaces the BO and ITS PG&E shall be required to obtain a new consistency determination or a CESA incidental take permit for the Project from DFG. (See generally Fish & G. Code, §§ 2080.1, 2081, subds. (b) and (c).)

In making this determination, DFG acknowledges that Least Bell's vireo (*Vireo bellii pusillus*) and southwestern willow flycatcher (*Empidonax traillii eximius*), species listed as endangered under both ESA and CESA, are known to occur within the Project area. (See Cal. Code Regs., tit. 14, § 670.5, subd. (a)(5)(I), (K).) In its BO, including the ITS, the Service concluded for purposes of the ESA that mortality or injury to individuals of least Bell's vireo or southwestern willow flycatcher is unlikely but that take in the form of harassment could occur. The Service authorized such take under the ESA, requiring PG&E to implement various avoidance and minimization measures relating to both species. PG&E is aware that, for purposes of CESA, take of both least Bell's vireo and southwestern willow flycatcher as defined by state law is prohibited, except as authorized by the Fish and Game Code. (Fish & G. Code, §§ 86, 2080.) DFG's determination that the Ser-

vice BO and ITS are consistent with CESA is limited to California tiger salamander.

DEPARTMENT OF FISH AND GAME

CALIFORNIA ENDANGERED SPECIES ACT CONSISTENCY DETERMINATION NO. 2080-2010-036-03

Project: Phase I of the Laguna de Santa Rosa Protected Lands Trails Plan Project

Location: Sonoma County

Applicant: Sonoma County Agricultural Preservation and Open Space District

Background

The Sonoma County Agricultural Preservation and Open Space District (Applicant) proposes to construct multi-use trails, pedestrian-only trails, and two parking areas (Project). The Project includes extending approximately 1.6 miles of pedestrian-only trails on the Balletto Easement connecting Kelly Farm along Duer Creek to the Wetland Preserve Trail. Extending this section of the trail involves light grading and vegetation clearing. The pedestrian-only trail will be approximately four to six feet wide. The 1.8 mile multi-use trail will be constructed on Kelly Farm and will extend from Occidental Road southward to Highway 12. This multi-use trail will be approximately six to eight feet wide with a one-foot shoulder on each side. The trail will consist of crushed fines or gravel placed over erosion control fabric. Two parking areas will also be constructed on Kelly Farm. The parking areas will consist primarily of gravel bases with some paved areas for wheel-chair accessible parking spaces.

The activities described above are expected to incidentally take California tiger salamander (*Ambystoma californiense*) where those activities take place within the Balletto Easement connecting Kelly Farm to Duer Creek along the Wetland Preserve Trail and on Kelly Farm. In particular, California tiger salamander could be incidentally taken as a result of being crushed and/or entombed in burrows. The Sonoma County Distinct Population Segment of the California tiger salamander is listed as an endangered species under the Federal Endangered Species Act (ESA) (16 U.S.C. § 1531 et seq.) and California tiger salamander is designated as a threatened species across its entire range under the California Endangered Species Act (CESA) (Fish & G. Code, § 2050 et seq.). (See Cal. Code Regs., tit. 14, § 670.5, subd. (b)(3)(G).)

California tiger salamander individuals are documented as present 1.3 miles from the Project site and

there is suitable California tiger salamander habitat within and adjacent to the Project site. Because of the proximity of the nearest documented California tiger salamander, dispersal patterns of California tiger salamander, and the presence of suitable California tiger salamander habitat within the Project site, the United States Fish & Wildlife Service (Service) determined California tiger salamander is reasonably certain to occur within the Project site and that Project activities are expected to result in incidental take of the species.

According to the Service, construction of the Project will result in the temporary loss of 0.473 acres and the permanent loss of 0.767 acres of upland California tiger salamander habitat. These impacts are all located more than 2,500 feet from the nearest known California tiger salamander breeding location.

Because the Project is expected to result in take of a species designated as endangered under the federal ESA, the United States Army Corps of Engineers (Corps) consulted with the Service as required by the ESA. On April 27, 2010, the Service issued a biological opinion (Service file No. 1-1-07-F-0241) (hereafter, Append Letter) to the Corps, appending the Project to the Service's *Programmatic Biological Opinion for U.S. Army Corps of Engineers Permitted Projects that May Affect California Tiger Salamander and Three Endangered Plant Species on the Santa Rosa Plain, California* (Service File 814-2008-F-0261) (hereafter, the PBO). The Append Letter and its incidental take statement (ITS) describe the Project, require the Applicant to comply with terms of the PBO and ITS, and incorporate additional measures.

On July 27, 2010 the Director of the Department of Fish and Game (DFG) received a notice from the Applicant requesting a determination, pursuant to Fish and Game Code section 2080.1, that the Append Letter, PBO and ITS are consistent with CESA for purposes of the Project. (Cal. Reg. Notice Register 2010, No. 33-Z, p. 1263.)

Determination

DFG has determined that the Append Letter, PBO, and ITS are consistent with CESA as to the Project because the mitigation measures contained in the Append Letter, PBO, and ITS meet the conditions set forth in Fish and Game Code section 2081, subdivisions (b) and (c), for authorizing incidental take of CESA-listed species. Specifically, DFG finds that: take of California tiger salamander will be incidental to an otherwise lawful activity; the mitigation measures identified in the Append Letter, PBO, and ITS will minimize and fully mitigate the impacts of the authorized take; the Applicant has provided adequate funding to implement the required avoidance minimization and mitigation measures and to monitor compliance with, and effective-

ness of, those measures; and the Project will not jeopardize the continued existence of California tiger salamander. The mitigation measures in the Append Letter, PBO, and ITS include, but are not limited to, the following:

Minimization and Mitigation Measures

- Applicant has completed its required purchase of 1.24 acres of California tiger salamander credits from approved conservation banks.
- Applicant shall confine all construction work to the period of August 15 to October 15.
- Applicant shall enclose all food and food-related trash items in sealed trash containers at the end of each day, and remove from the site every three days.
- Applicant shall maintain all equipment such that there will be no leaks of automotive fluids such as gasoline, oils, or solvents.

Take Avoidance Measures

- A qualified, professional biologist (biological monitor) will routinely monitor the construction site daily. Before work begins each morning, the biological monitor will check for animals under any equipment such as vehicles and stored pipes. If California tiger salamander individuals are found, they will be translocated as described in the Santa Rosa Plain Conservation Strategy, dated December 1, 2005.
- The biological monitor will conduct a training session for all construction workers before work is started on the project.

Notification and Reporting

- The Applicant will submit a post-construction compliance report, prepared by the Service-approved on-site biologist, to the Sacramento Fish and Wildlife Office within thirty calendar days following project completion, or within fifteen calendar days of any break in construction activity lasting more than seven calendar days. Although not a condition of the PBO or Append Letter, DFG requests a copy of the post-construction compliance reports as well.
- The Service and DFG must be notified within twenty-four hours of the discovery of death or injury to a California tiger salamander.

Financial Assurances

- Applicant has provided financial assurances consistent with CESA, in the form of a completed purchase of 0.99 acre of California tiger salamander conservation credits from the Alton North Conservation Bank, and 0.25 acre of California tiger salamander conservation credits

from the Hazel Mitigation Bank for a net total purchase of 1.24 acres of California tiger salamander conservation credits as documented by two Bills of Sale, dated July 19, 2010 and provided to DFG.

Pursuant to Fish and Game Code section 2080.1, incidental take authorization under CESA is not required for the Project for incidental take of California tiger salamander provided the Applicant implements the Project as described in the Append Letter, PBO, and ITS, including adherence to all measures contained therein, and complies with the mitigation measures and other conditions described in the Append Letter, PBO, and ITS. If there are any substantive changes to the Project, including changes to the mitigation measures, or if the Service amends or replaces the Append Letter, PBO, or ITS, the Applicant shall be required to obtain a new consistency determination or a CESA incidental take permit for the Project from DFG. (See generally Fish & G. Code, §§ 2080.1, 2081, subds. (b) and (c).) This determination is limited to consistency of the Append Letter and PBO as applied specifically to the Project, and does not cover other activities that might be appended to the PBO in the future. Separate determination(s) or take authorization(s) must be obtained for future activities that may result in take of CESA-listed species.

DEPARTMENT OF FISH AND GAME

**CALIFORNIA ENDANGERED SPECIES ACT
CONSISTENCY DETERMINATION NO.
2080-2010-038-03**

Project: PG&E Line 131 Corrosion Repair, Los Vaqueros

Location: Contra Costa and Alameda Counties

Applicant: Pacific Gas and Electric Company

Background

The Pacific Gas and Electric Company (PG&E) proposes to repair corrosion at three sites along the PG&E Line 131 gas pipeline to assure that the pipeline functions properly and safely (Project). Site 1 is located in southeastern Contra Costa County northeast of Los Vaqueros Road. Site 2 is located in northeastern Alameda County adjacent to and south of Los Vaqueros Road. Site 3 is located in northeastern Alameda County and west of Vasco Road. All three corrosion repair sites are located approximately 4.5 miles to 5 miles north of the City of Livermore.

Pipeline repair work associated with the Project is scheduled to occur during the 2010 dry season (May 1 through October 15). At all three corrosion repair sites, the 24-inch diameter pipeline will be exposed, in-

spected and repaired. The area of impact at each site will be approximately 340 feet to 390 feet long and approximately 62 feet wide depending on the depth of the pipe.

Dirt from the excavation will be stockpiled alongside the pipe but outside of any wetland areas, to the extent feasible. After the pipe has been exposed and examined, a protective epoxy coat will be applied to the pipe and the pipe trench will be backfilled. Following Project construction, PG&E will restore and enhance the area.

The Project activities described above are expected to incidentally take California tiger salamander (*Ambystoma californiense*). California tiger salamander is designated as a threatened species under the federal Endangered Species Act (ESA) (16 U.S.C. § 1531 et seq.) and the California Endangered Species Act (CESA) (Fish & G. Code, § 2050 et seq.). (See Cal. Code Regs., tit. 14, § 670.5, subd. (b)(3)(G).) In particular, California tiger salamander could be incidentally taken as a result of the excavation, trenching, and other construction activities through crushing, entrainment, and temporary loss of habitat.

California tiger salamander are documented as present less than 1 mile from the Project site and there is suitable California tiger salamander habitat within and adjacent to the Project site. Because of the proximity of the nearest documented California tiger salamander, the species' dispersal pattern, and the presence of suitable habitat at the Project site, the United States Fish & Wildlife Service (Service) determined that California tiger salamander is expected to be incidentally taken as a result of the Project. According to the Service, Project construction will result in the temporary loss of 1.594 acres of aquatic and upland California tiger salamander habitat.

Because the Project has the potential to take a species designated as threatened under the ESA, the United States Army Corps of Engineers (Corps) consulted with the Service as required by the ESA. On April 28, 2010, the Service issued a biological opinion (Service file No. 81420-2009-F-0784-1) (BO) to the Corps. The BO describes the Project, requires PG&E to comply with terms of the BO and its incidental take statement (ITS), and incorporates additional measures. On July 27, 2010, the Service issued an amendment to the BO (Service file No. 81420-2008-F-0784-R001) (Amendment) following re-initiation by the Corps to clarify the Project footprint and Project effects to several species, including the California tiger salamander.

On July 30, 2010, the Director of the Department of Fish and Game (DFG) received a notice from PG&E requesting a determination, pursuant to Fish and Game

Code section 2080.1, that the BO and its related ITS and amendment are consistent with CESA for purposes of the Project. (See Cal. Reg. Notice Register 2010, No. 33-Z, p. 1264.)

Determination

DFG has determined that the BO, including the ITS and Amendment, are consistent with CESA as to the Project for the purposes of California tiger salamander because the mitigation measures contained in the BO, ITS, and Amendment meet the conditions set forth in Fish and Game Code section 2081, subdivisions (b) and (c), for authorizing incidental take of CESA-listed species. Specifically, DFG finds that take of California tiger salamander will be incidental to an otherwise lawful activity; the mitigation measures identified in the BO, ITS and Amendment will minimize and fully mitigate the impacts of the authorized take; adequate funding is ensured to implement the required measures, and to monitor compliance with, and effectiveness of, those measures; and the Project will not jeopardize the continued existence of California tiger salamander. The mitigation measures in the BO, ITS, and Amendment include, but are not limited to, the following:

Take Avoidance Measures

- Surveys for California tiger salamander will be conducted by a DFG and Service approved biologist two weeks before Project activities commence. If California tiger salamander are found, the Service and DFG will be contacted to determine if relocation is appropriate.
- A worker training session covering California tiger salamander will be conducted for all construction personnel.
- Work activities will be completed between April 1 and November 1. Should PG&E demonstrate a need to conduct activities outside this period, the Corps may authorize such activities after obtaining approval from the Service and DFG.
- To prevent inadvertent entrapment of California tiger salamanders, all excavated, steep-walled holes or trenches more than 2 feet deep will be covered at the close of each working day with plywood or similar material, or provided with one or more escape ramps constructed of earth fill or wooden planks. Before holes or trenches are filled, they will be thoroughly inspected for trapped California tiger salamander.
- A biologist will be present at the Project sites until all minimization and avoidance measures have been completed.

Minimization, Mitigation, and Monitoring Measures

- Project areas that are disturbed will be revegetated with an appropriate assemblage of locally native riparian, wetland, and upland vegetation.
- PG&E will purchase 1.7534 acres of California tiger salamander habitat credits from a Service and DFG approved conservation bank. PG&E will provide the Service and DFG with a copy of the credit purchase agreement for the required credits.

Notification and Reporting

- PG&E will notify the Service and DFG within one working day of the finding of any injured California tiger salamander or any unanticipated damage to California tiger salamander habitat.

Financial Assurances

- PG&E will provide financial assurance consistent with CESA by purchasing 1.7534 acres of conservation credits from a Service and DFG approved conservation bank prior to commencement of Project construction. PG&E will provide the Service and DFG with a copy of the credit purchase agreement for the required credits.

Pursuant to Fish and Game Code section 2080.1, incidental take authorization under CESA is not required for the Project for incidental take of California tiger salamander, provided PG&E implements the Project as described in the BO, including adherence to all measures contained therein, and complies with the mitigation measures and other conditions described in the BO, ITS, and Amendment. If there are any substantive changes to the Project, including changes to the mitigation measures, or if the Service amends or replaces the BO and ITS, PG&E shall be required to obtain a new consistency determination or a CESA incidental take permit for the Project from DFG (See generally Fish & G. Code, §§ 2080.1, 2081, subds. (b) and (c).)

In making this determination, DFG acknowledges that the Service BO and Amendment address San Joaquin kit fox (*Vulpes macrotis mutica*), a species designated as endangered under the ESA, and threatened under CESA. (See Cal. Code Regs., tit. 14, § 670.5, subd. (b)(6)(E).) This species is known to occur within the Project site. The Service determined in the Amendment that, for purposes of the ESA, mortality or injury to individual San Joaquin kit fox is unlikely but that take in form of harassment could occur. The Service authorized such take under the ESA, requiring PG&E to implement various avoidance and minimization measures for the species. PG&E is aware that, for purposes of CESA, take of San Joaquin kit fox as defined by state law is prohibited, except as authorized by the Fish and Game Code. (See generally Fish & G. Code, §§ 86,

2080.) DFG's determination that the Service BO, Amendment, and ITS are consistent with CESA is limited to the California tiger salamander.

DEPARTMENT OF FISH AND GAME

CALIFORNIA ENDANGERED SPECIES ACT CONSISTENCY DETERMINATION NO. 2080-2010-040-03

Project: Gas Line 210A & B In-Line Inspection Repair

Location: Solano County

Applicant: Pacific Gas and Electric Company

Background

Pacific Gas and Electric Company (PG&E) proposes to upgrade and then inspect natural gas pipelines 210A and 210B using in-line inspection methods as required by the U.S.

Department of Transportation (Project). The Project will be implemented in two phases. Upgrade work is planned to be conducted between June and October 2010 for Phase I — Line 210A, and June 2011 for Phase II — Line 210B. Line 210B is located adjacent to Line 210A, and is offset by approximately ten feet. Line inspections are conducted by inserting a tool known as a "pig." Prior to each line inspection, PG&E will construct and install "pig" launching equipment and replace each pipeline's mainline valves at mile posts (MP) 1.38 and 4.88.

To accommodate installation of the launching equipment and valve replacements at MP 1.38, the existing valve lot is proposed to be permanently expanded to the west in an area 190 feet by 50 feet (0.22 acre). The expansion area will be fenced and graveled. During Phase I construction, the existing fencing will be removed and a trench approximately 125 feet long, 20 feet wide and 8 feet deep will be dug. A second trench with the same dimensions will be dug during Phase II of the Project. Following installation of the launching equipment and line testing, each trench will be backfilled and re-contoured to pre-existing conditions. Construction activities will be confined within the approximately 150 feet by 35 feet temporary staging area. Proposed work at MP 1.38 will take five weeks to complete per phase, and will include two weeks of site preparation, two weeks of welding, and one week of restoration.

The existing valve lot at MP 4.88 is proposed to be expanded in an area 40 feet by 30 feet (0.03 acre). The expansion area will be fenced and graveled. During construction, a hole approximately 40 feet long, 25 feet wide, and 9 feet deep will be dug during Phase I. A second hole with approximately the same dimensions will

be dug during Phase II. Following the installation of each new valve, each hole will be backfilled and re-contoured to pre-existing conditions. Construction activities will be confined within the approximately 100 feet by 100 feet temporary staging area. Proposed work at this location will take four weeks to complete per phase, and will include one week of site preparation, two weeks of welding and one week of restoration.

The activities described above are expected to incidentally take California tiger salamander (*Ambystoma californiense*)(CTS). In particular, CTS could be incidentally taken as a result of being crushed by Project-related equipment, vehicles, construction debris, or worker foot traffic. CTS could also be killed as a result of falling into Project-related trenches, pits, or other excavations. If a CTS falls and survives but is unable to escape, it may die due to desiccation, entombment, or starvation. Furthermore, Project activities, including vibration from such, may cause CTS to leave the Project site and surrounding areas. This disturbance and displacement may increase the potential for predation, desiccation, competition for food and shelter, or strike by vehicles on access roads.

CTS is listed as a threatened species under the federal Endangered Species Act (ESA) (16 U.S.C. § 1531 et seq.) and as of August 19, 2010, is also listed as a threatened species under the California Endangered Species Act (CESA) (Fish & G. Code, § 2050 et seq.). (Cal. Code Regs., tit. 14, § 670.5, subd. (b)(3)(G); Cal. Reg. Notice Register 2010, No. 31–Z, p. 1193).

A known breeding site for CTS that supports suitable upland dispersal habitat is located within 1.3 miles north of the Project site. The U.S. Fish & Wildlife Service (Service) determined that the proposed Project area is within the known CTS dispersal range from known CTS occurrences. The Service believes that CTS is reasonably certain to occur within the Project area due to the presence of appropriate upland dispersal habitat and potential breeding ponds within the Project area; known nearby occurrences within CTS dispersal range; uninterrupted connectivity between CTS occupied habitat and the Project area; and the biology and ecology of CTS, especially the ability of CTS adults to move considerable distances between their breeding ponds and upland habitat. Based on this and other information, the Service concluded for purposes of the federal ESA that the proposed Project will result in incidental take of CTS. The Service also determined that Project activities will result in the temporary loss of 0.2 acre and permanent loss of 0.24 acre of upland CTS habitat.

Because the Project has the potential to take a species listed under the ESA, the U.S. Army Corps of Engineers

(Corps) consulted with the Service as required by the ESA. On May 20, 2010, the Service issued a biological opinion (Service file number 81420–2010–F–0593–1) to the Corps, amending that opinion on August 3, 2010 due to changes in the Project description (Service file number 81420–2010–F–0593–R001–1) (collectively, the Amended BO). The Amended BO describes the Project and related actions, requires PG&E to comply with terms in the Amended BO, including its incidental take statement (ITS), and incorporates additional measures.

Because CTS is designated as a threatened species pursuant to CESA, on August 5, 2010, PG&E notified the Director of the Department of Fish and Game (DFG), requesting a determination pursuant to Fish and Game Code section 2080.1, that for purposes of CTS the Amended BO, including its ITS, is consistent with CESA for purposes of the Project.

Determination

DFG has determined that the Amended BO, including its ITS, is consistent with CESA because the mitigation measures contained in the Amended BO, including its ITS, meet the conditions set forth in Fish and Game Code section 2081, subdivisions (b) and (c), for authorizing incidental take of CESA-listed species. Specifically, DFG finds that the take of CTS will be incidental to an otherwise lawful activity; the measures identified in the Amended BO, including its ITS, will minimize and fully mitigate the impacts of the authorized take; adequate funding is ensured to implement the required measures and for monitoring compliance with, and effectiveness of, those measures; and the Project will not jeopardize the continued existence of CTS. The mitigation measures in the Amended BO, including its ITS, include, but are not limited to, the following:

Conservation Measures

- To compensate for the permanent loss of 0.24 acre of CTS upland habitat, PG&E will purchase mitigation credits for 0.72 acre of CTS upland habitat. The credits will be purchased from a Service and DFG-approved species conservation bank with a service area covering the Project site.
- To compensate for the temporary loss of 0.20 acre of CTS upland habitat, PG&E will purchase mitigation credits for 0.22 acre of CTS upland habitat. The credits will be purchased from a Service and CDFG-approved species conservation bank. PG&E will also restore the 0.20 acre of temporarily disturbed upland habitat.
- An employee education program will be conducted for contractors, their employees, and all other personnel involved in the Project.

- A Service and DFG–approved biological monitor will be onsite during all ground–disturbing work at the Project site. Work at the Project site will be conducted during the dry season (June 1– October 15) to minimize effects to CTS.
- The limits of the construction area throughout the Project will be flagged and fenced if not already marked by right of way or other fencing, and all activity will be confined within the marked area. Construction limit fencing will be buried at least two inches below ground. A qualified biologist will be onsite during all activities that could result in the take of CTS.
- A Service and DFG–approved biologist will inspect construction–related activities within the Project site to ensure that no unauthorized take of CTS or destruction of CTS habitat occurs. The biologist will be available for monitoring throughout all phases of construction that may result in adverse effects to CTS.
- Prior to the initiation of ground disturbance at the Project site, pre–construction surveys for CTS will be conducted by a Service and DFG–approved biologist. These surveys will consist of walking surveys of the Project site and adjacent areas accessible to the public to determine presence of the species.
- All CTS individuals captured on the Project site during surveys, monitoring, and inspections will be removed by a Service and DFG–approved biologist and translocated under the direction and authorization of the Service and DFG.
- To prevent inadvertent entrapment of CTS during construction, all excavated, steep–walled holes or trenches more than two feet deep will be covered at the close of each working day by plywood or similar materials, or provided with one or more escape ramps constructed of earth fill or wooden planks. Before such holes or trenches are filled, they must be thoroughly inspected for trapped animals.

Funding Assurances

- PG&E will provide financial assurance consistent with CESA, by providing the Service and DFG with a copy of the credit purchase agreement for 0.94 acre of upland CTS habitat credits from a Service and DFG–approved conservation bank prior to implementation of Project activities. PG&E will also provide, subject to review and approval by DFG and the Service, a cost estimate associated with the implementation of onsite restoration requirements for temporary impacts. Upon approval of the cost estimate and prior to the

initiation of ground–disturbing activities, PG&E will provide a financial commitment (e.g. Irrevocable Letter of Credit, Letter of Security) in a form approved by DFG’s Office of the General Counsel and the Service, to DFG to ensure performance of these measures.

Reporting Requirements

- PG&E will notify the Service’s Sacramento Field Office within one working day of the finding of any dead or any unanticipated harm to CTS. Contractors or employees who during routine operations and maintenance activities inadvertently kill or injure a CTS must immediately report the incident to their representative superintendent or biologist. This representative superintendent or biologist must contact DFG immediately.

Pursuant to Fish and Game Code section 2080.1, take authorization under CESA will not be required for the Project for incidental take of CTS, provided PG&E implements the Project as described in the Amended BO, including adherence to all measures contained therein, and complies with the mitigation measures and other conditions described in the Amended BO, including its ITS. If there are any substantive changes to the Project, including changes to the mitigation measures, or if the Service amends or replaces the Amended BO or its ITS, PG&E will be required to obtain a new consistency determination or a CESA incidental take permit from DFG. (See generally Fish & G. Code, §§ 2080.1, 2081, subds. (b) and (c).)

DEPARTMENT OF FISH AND GAME

CALIFORNIA ENDANGERED SPECIES ACT CONSISTENCY DETERMINATION NO. 2080–2010–039–02

Project: State Route 32 Widening Project

Location: Butte County

Applicant: City of Chico

Notifier: Brooks Taylor, Gallaway Consulting

Background

The City of Chico (Applicant) proposes to widen and improve approximately 2.6 miles of State Route (SR) 32, between SR 99 and Yosemite Drive, on the eastern edge the City of Chico. The SR 32 Widening Project (Project) will cover approximately 4.5 acres and will widen the existing road from two to three lanes in each direction from SR 99 to Fir Street, and from two to four lanes (two in each direction) from Fir Street to 1,400 feet east of Yosemite Drive. Additional modifications

will be made to the SR 99/32 ramps and intersections, and the intersections of SR 32 at Fir Street and SR 32 at Yosemite Drive.

The activities described above are expected to incidentally take Butte County meadowfoam (*Limnanthes floccosa* ssp. *californica*)(BCM), and Giant garter snake (*Thamnophis gigas*) (GGS) where activities will take place within the Project construction limits. In particular, BCM will be taken where one plant in the upland will be removed by soil removal, and could be incidentally taken as a result of earth fill placement into vernal pool and swale habitat, removal of topsoil, or accidental spill of equipment oil or fuel. BCM is designated as an endangered species under the federal Endangered Species Act (ESA) (16 U.S.C. § 1531 et seq.) and as an endangered species under the California Endangered Species Act (CESA) (Fish & G. Code, § 2050 et seq.) (See Cal. Code Regs., tit. 14, § 670.2, subd. (a)(21)(B).)

Species Impacts

BCM are documented as present on properties immediately adjacent north and south of the Project and there is suitable and occupied BCM habitat within and adjacent to the Project site. The Project will result in 0.183 acre of indirect impacts and 0.0001 acre of direct impacts (1 plant) to BCM due to road widening east of El Monte Ave. Because of the proximity of the nearest documented BCM, and the presence of suitable BCM habitat within the Project site, the United States Fish & Wildlife Service (Service) determined BCM and habitat is reasonably certain to occur within the Project site and that Project activities are expected to result in the incidental take of BCM.

Because the Project has the potential to take a species designated as endangered under the federal ESA, the United States Army Corp of Engineers (Corps) consulted with the Service as required by the ESA. On February 3, 2009 the Service issued a biological opinion (Service file No. 81420-2008-F-0104-2) (BO) to the Corps. The BO describes the Project, requires the Applicant to comply with terms of the BO and its incidental take statement (ITS), and incorporates additional measures.

On July 30, 2010 the Director of the Department of Fish and Game (DFG) received a notice from Brooks Taylor of Gallaway Consulting, on behalf of the Applicant requesting a determination, pursuant to Fish and Game Code Section 2080.1, that the BO and its related incidental take statement are consistent with CESA for purposes of the Project. (Cal. Reg. Notice Register 2010, No. 33-Z, p. 1264.)

Giant garter snake (*Thamnophis gigas*), a species listed as threatened under the ESA, and CESA, is

known to occur within the project area. However, DFG has determined that take of this species, as defined in Section 86 of the Fish and Game Code, will not occur as a result of Project implementation, provided the Applicant implements the Project as described in the BO including adherence to all avoidance measures related to Giant garter snake contained therein, and in the *Programmatic Formal Consultation for U.S. Army Corps of Engineers 404 Permitted Projects with Relatively Small Effects on the Giant Garter Snake within Butte, Colusa, Glenn, Fresno, Merced, Sacramento, San Joaquin, Solano, Stanislaus, Sutter and Yolo Counties, California* to which the Project has been appended. This consistency determination does not provide incidental take coverage for Giant garter snake, and no take of Giant garter snake, as defined in Section 86 of the Fish and Game Code, is permitted.

Determination

DFG has determined that the BO, including the ITS, is consistent with CESA as to the Project because the mitigation measures contained in the BO and ITS meet the conditions set forth in Fish and Game Code Section 2081, subdivisions (b) and (c), for authorizing incidental take of CESA-listed species. Specifically DFG finds that: take of BCM will be incidental to an otherwise lawful activity; the mitigation measures identified in the BO and ITS will minimize and fully mitigate the impacts of the authorized take; the Applicant has ensured adequate funding to implement the identified measures, and construction of the Project will not jeopardize the continued existence of BCM. The mitigation measures in the BO and ITS include, but are not limited to, the following:

Minimization, Mitigation, and Monitoring Measures

- Applicant will install visible protective wildlife safe construction fencing to protect environmentally protected areas on the Project site. The fencing will be monitored daily and kept in good working condition for the duration of the Project;
- Applicant has purchased 0.917 acres of BCM mitigation credits, from the Dove Ridge Mitigation Bank, Butte County, to fully mitigate for temporary impacts to 0.183 acre of indirect impacts and 0.0001 acre of direct impacts (1 plant) to BCM;
- Following construction, Applicant will return each site to pre-Project conditions, remove all construction debris (including protective fencing, barriers, flagging, and construction mats), and reseed each site with an approved erosion control seed mix.

Take Avoidance Measures

- Applicant will limit site disturbance for construction and access and implement specific protections for sensitive areas containing potentially suitable habitat for covered species. Measures limiting site disturbance include installing protective fencing for sites immediately adjacent to construction activities and using flagging to identify avoidance areas along access roads.
- Applicant will develop and implement a spill control and response plan for potentially hazardous materials, including fuels, solvents and grease;
- The applicant will conduct environmental awareness training for all project construction personnel;
- Applicant will provide a qualified biological monitor during the construction activities.

Financial Assurances

- Applicant has provided financial assurance consistent with CESA, having already purchased 0.917 acre of conservation credits from the Dove Ridge Conservation Bank.

Pursuant to Fish and Game Code Section 2080.1, incidental take authorization under CESA is not required for the Project for incidental take of BCM, provided the Applicant implements the Project as described in the BO, including adherence to all measures contained therein, and complies with the mitigation measures and other conditions described in the BO and ITS. If there are any substantive changes to the Project, including changes to the mitigation measures, or if the Service amends or replaces the BO and ITS, the Applicant shall be required to obtain a new consistency determination or a CESA incidental take permit for the Project from DFG (See generally Fish & G. Code, §§ 2080.1, 2081, subds. (b) and (c)).

PROPOSITION 65

OFFICE OF ENVIRONMENTAL HEALTH HAZARD ASSESSMENT

**California Environmental Protection Agency
Office of Environmental Health
Hazard Assessment
Notice to Interested Parties**

September 10, 2010

ANNOUNCEMENT OF SECOND PUBLIC COMMENT PERIOD

Draft Technical Support Document on Proposed Public Health Goal for Trihalomethanes (THMs) in Drinking Water

The Office of Environmental Health Hazard Assessment (OEHHA) of the California Environmental Protection Agency is announcing the availability of the draft technical support document for a proposed Public Health Goal (PHG) for trihalomethanes (THMs) in drinking water. The draft document on THMs has been revised since the first posting to provide a proposed PHG of 0.8 parts per billion for the combined chemicals (chloroform, bromodichloromethane, chlorodibromomethane, and bromoform), rather than separate values for the individual disinfection byproducts. The draft document is posted on the OEHHA web site (www.oehha.ca.gov). OEHHA is soliciting comments on the draft report during a 30-day comment period. The Office previously offered a 45-day public comment period and held a public workshop on these chemicals on August 7, 2009.

This 30-day public comment period is the second and final request for public input. OEHHA will evaluate all the comments received and revise the document as appropriate. Written comments must be received at the OEHHA address below by 5:00 p.m. on October 11, 2010 to be considered for the final revision of the document. The final document will be posted on the OEHHA web site along with responses to the major comments received during the public review and scientific comment periods. OEHHA follows the requirements set forth in Health and Safety Code Sections 57003(a) and 116365 for conducting the workshop and receiving public input.

The PHG technical support documents provide information on the health effects of contaminants in drinking water. The PHG is a level of drinking water contaminant at which adverse health effects are not expected to occur from a lifetime of exposure. The California Safe Drinking Water Act of 1996¹ requires OEHHA to develop PHGs based exclusively on public health consideration.² PHGs published by OEHHA are considered by the California Department of Public Health in setting drinking water standards (Maximum Contaminant Levels, or MCLs).³

If you would like to receive further information on this announcement or have questions, please contact OEHHA at (510) 622-3170 or the address below.

¹ Codified at Health and Safety Code, section 116270 et. seq.

² Health and Safety Code section 116365(c).

³ Health and Safety Code section 116365(a) and (b).

Michael Baes (mbaes@oehha.ca.gov)
Pesticide and Environmental Toxicology Branch
Office of Environmental Health Hazard Assessment
California Environmental Protection Agency
1515 Clay St., 16th floor
Oakland, California, 94612

Attention: PHG Project

**OFFICE OF ENVIRONMENTAL
HEALTH HAZARD ASSESSMENT**

**CALIFORNIA ENVIRONMENTAL
PROTECTION AGENCY OFFICE OF
ENVIRONMENTAL HEALTH HAZARD
ASSESSMENT**

**SAFE DRINKING WATER AND TOXIC
ENFORCEMENT ACT OF 1986
(PROPOSITION 65)**

**NOTICE TO INTERESTED PARTIES
August 31, 2010**

**SEPTEMBER 21 AND 22, 2010 MEETING
OF THE CARCINOGEN
IDENTIFICATION COMMITTEE**

The California Environmental Protection Agency's Office of Environmental Health Hazard Assessment (OEHHA) is the lead agency for the implementation of the Safe Drinking Water and Toxic Enforcement Act of 1986 (Proposition 65; Health and Safety Code Section 25249.8 et seq.).

The Carcinogen Identification Committee of OEHHA's Science Advisory Board identifies chemicals for addition to the Proposition 65 list: The Committee serves as the "State's qualified experts" for determining whether a chemical has been clearly shown, through scientifically valid testing according to generally accepted principles, to cause cancer.

A public meeting of this committee will be held on **Tuesday and Wednesday, September 21 and 22, 2010** at the California Environmental Protection Agency Headquarters Building, *Sierra Hearing Room*, at 1001 I Street, Sacramento, California. Each day of the meeting will begin at 10:00 a.m. and will last until 5:00 p.m. or until all business is conducted. Committee items that are not completed on September 21 will be heard on September 22.

If you have special accommodation or language needs, please contact Cynthia Oshita at (916) 445-6900 or coshita@oehha.ca.gov by September 9, 2010. TTY/TDD/Speech-to-Speech users may dial 7-1-1 for the California Relay Service.

The tentative agenda for this meeting is given below. The order of items on the agenda is provided for general reference only. The order in which items are taken up by the Committee is subject to change at the discretion of the Chair.

- I. WELCOME AND OPENING REMARKS**
- II. CONSIDERATION OF CHEMICALS AS KNOWN TO THE STATE TO CAUSE CANCER**
 - A. 1,3-Dichloro-2-propanol (1,3-DCP)**
 - Staff presentation
 - Committee discussion
 - Public comments
 - Committee discussion and decision
 - B. 3-Monochloropropane-1,2-diol (3-MCPD)**
 - Staff presentation
 - Committee discussion
 - Public comments
 - Committee discussion and decision
- III. PRIORITIZATION OF CHEMICALS FOR CARCINOGEN IDENTIFICATION COMMITTEE REVIEW**
 - Staff presentation
 - Committee members discuss and propose priority rankings for each of the 27 chemicals
 - Committee discussion
 - Public comments
 - Committee discussion and recommendations
- IV. UPDATE OF THE SECTION 27000 LIST OF CHEMICALS WHICH HAVE NOT BEEN ADEQUATELY TESTED AS REQUIRED**
- V. STAFF UPDATES**
- VI. SUMMARY OF COMMITTEE ACTIONS**

DECISION NOT TO PROCEED

FISH AND GAME COMMISSION

Notice of Decision Not to Proceed

PURSUANT TO GOVERNMENT CODE 11347, NOTICE IS HEREBY GIVEN that the Fish and Game Commission will not proceed with the proposed addition of Section 681, Title 14, CCR, hybrid animals

and plants (Notice File No. Z-09-0901-05), published September 11, 2009, in the California Notice Register 2009, No. 37-Z, page 1524, therefore, withdraws this proposed action for further consideration. The Commission may initiate a new proposal to adopt regulations pertaining to the same or similar subject matter at a later date, with notice as required by law.

SUMMARY OF REGULATORY ACTIONS

REGULATIONS FILED WITH SECRETARY OF STATE

This Summary of Regulatory Actions lists regulations filed with the Secretary of State on the dates indicated. Copies of the regulations may be obtained by contacting the agency or from the Secretary of State, Archives, 1020 O Street, Sacramento, CA 95814, (916) 653-7715. Please have the agency name and the date filed (see below) when making a request.

File# 2010-0715-03

AIR RESOURCES BOARD

Area Designation Criteria, and Maps

This action updates the designations that describe the status of air quality in the air basins of the state.

Title 17

California Code of Regulations

AMEND: 60201, 60203, 60207, 60210, 70300, 70301, 70302, 70303, 70303.1, 70303.5, 70304, 70305, 70306

Filed 08/26/2010

Effective 09/25/2010

Agency Contact: Amy Whiting (916) 322-6533

File# 2010-0720-06

AIR RESOURCES BOARD

Tire Pressure Regulation 2009

The Air Resources Board adopted section 95550 in title 17 of the California Code of Regulations requiring automotive service providers to check and inflate the tires of each passenger car brought in for service to the recommended tire pressure rating in order to reduce green house gas emissions from underinflated tires.

Title 17

California Code of Regulations

ADOPT: 95550

Filed 08/30/2010

Effective 09/01/2010

Agency Contact: Amy Whiting (916) 322-6533

File# 2010-0719-03

ATHLETIC COMMISSION

Fingerprints and Photographs, Promoter's License; Changes in Personnel

This regulatory action clarifies applicability of fingerprint and photograph requirements; financial responsibility and standards for issuance of a promoter's license and those with a proprietary interest in the promoter; type of examination facilities; and lowers the age at which a retired boxer can receive benefits from the retirement plan.

Title 4

California Code of Regulations

ADOPT: 213.2 AMEND: 211, 213, 293, 405

Filed 08/30/2010

Effective 09/29/2010

Agency Contact: Sal Barajas (916) 263-2195

File# 2010-0714-01

BOARD FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS

Reference Forms

The Board for Professional Engineers and Land Surveyors submitted this rulemaking action to amend Title 16, California Code of Regulations, sections 427.10 and 427.30. The amendments update three incorporated by reference forms that are required under these sections for submitting references to the board that verify the qualifying experience of applicants for licensure as a professional engineer or a professional land surveyor (section 427.10) or for authority to use the title structural engineer (section 427.30). An amendment to section 427.10 also adds an optional form that professional land surveyor candidates may use to log training to supplement the required reference form.

Title 16

California Code of Regulations

AMEND: 427.10, 427.30

Filed 08/25/2010

Effective 09/24/2010

Agency Contact: Larry Kereszt (916) 263-2240

File# 2010-0722-02

BOARD OF EQUALIZATION

Motor Vehicle and Aircraft Fuels

This change without regulatory effect by the State Board of Equalization adds a new subdivision (d) to section 1598 of title 18 of the California Code of Regulations. The purpose of this addition is to incorporate provisions of Revenue & Tax Code §6357.7, which provides a partial exemption for the retail sale of, and the storage, use, or other consumption in this state of motor vehicle fuel. This rulemaking also re-labels current subdivisions (d)-(i) of section 1598, updates the regula-

tion's internal cross-references so that they correctly refer to the relabeled subdivisions, and updates the Reference Citation to include RTC §6357.7.

Additionally, this rulemaking updates two illustrations of the formulas used to calculate the amount of sales tax reimbursement included in the total price per gallon of gasoline and diesel fuels. These examples utilize hypothetical fuel prices, excise tax rates, and sales tax rates and have not been updated since 1996.

This rulemaking includes only changes without regulatory effect made pursuant to section 100 of title 1 of the California Code of Regulations.

Title 18
California Code of Regulations
AMEND: 1598
Filed 08/26/2010
Agency Contact:
Richard Bennion (916) 445-2130

File# 2010-0720-02
DEPARTMENT OF FOOD AND AGRICULTURE
Mediterranean Fruit Fly Interior Quarantine

In this regulatory action, the Department of Food and Agriculture amends a regulation pertaining to the "Mediterranean Fruit Fly Interior Quarantine." The amendment involves the removal of the quarantine area for the Mediterranean fruit fly in the Spring Valley area of San Diego County (approximately 93 square miles).

Title 3
California Code of Regulations
AMEND: 3406(b)
Filed 08/26/2010
Effective 09/25/2010
Agency Contact:
Stephen S. Brown (916) 654-1017

File# 2010-0720-03
DEPARTMENT OF FOOD AND AGRICULTURE
Mediterranean Fruit Fly Interior Quarantine

In this regulatory action, the Department of Food and Agriculture amends a regulation pertaining to the "Mediterranean Fruit Fly Interior Quarantine." The amendment involves the removal of the quarantine area for the Mediterranean fruit fly in the Mira Mesa area of San Diego County (approximately 106 square miles).

Title 3
California Code of Regulations
AMEND: 3406(b)
Filed 08/26/2010
Effective 09/25/2010
Agency Contact:
Stephen S. Brown (916) 654-1017

File# 2010-0818-01
DEPARTMENT OF FOOD AND AGRICULTURE
Light Brown Apple Moth Interior Quarantine

The Department of Food & Agriculture (DFA) submitted this emergency action to amend title 3, California Code of Regulations, section 3434 by adding or changing quarantine areas for the Light Brown Apple Moth (LBAM), *Epiphyas postvittana*, in several counties due to recent LBAM detections in new areas of Alameda, Contra Costa, Los Angeles, Monterey, Sacramento, San Diego, and Sonoma counties. The effect of this change to section 3434 is to establish authority for the State to perform quarantine activities against LBAM in these additional areas.

A portion of the existing contiguous quarantine area in the counties of Alameda, Contra Costa, Monterey, and Sonoma counties has been expanded by approximately 205 square miles. New quarantine areas have been established in the South Sacramento area of Sacramento County of approximately 16 square miles and in the South Park area of San Diego County of approximately 10 square miles. The quarantine area in the Long Beach area of Los Angeles County has been expanded by approximately one square mile. The area is considered the minimum area surrounding the initial detection sites which should be regulated to prevent artificial spread of LBAM to noninfested areas. This results in a total of approximately 5,147 square miles under regulation within California.

Title 3
California Code of Regulations
AMEND: 3434(b) & (c)
Filed 08/26/2010
Effective 08/26/2010
Agency Contact:
Stephen S. Brown (916) 654-1017

File# 2010-0715-04
DEPARTMENT OF PESTICIDE REGULATION
Qualified Applicator Licensing & Certification Subcategories

The Department of Pesticide Regulation adopted section 6531 and amend sections 6502, 6511, and 6530 of title 3 of the California Code of Regulations to add new subcategories of licensing and certification, reduce the required continuing education hours for some subcategories, and restrict a person qualified solely in maintenance gardener pest control from purchasing or using federally restricted-use pesticides.

Title 3
California Code of Regulations
ADOPT: 6531 AMEND: 6502, 6511, 6530
Filed 08/26/2010
Effective 09/25/2010
Agency Contact:
Linda Irokawa-Otani (916) 445-3991

File# 2010-0726-03

DEPARTMENT OF SOCIAL SERVICES**Intercounty Transfer Changes in the CalWORKs Program**

The Department of Social Services submitted this action to amend section 40-188 of the Manual of Policies and Procedures (MPP), which provides intercounty transfer procedures when an eligible family moves from one county to another within California. Current MPP regulations for the California Work Opportunity and Responsibility to Kids (CalWORKs) program require that the family attend a face-to-face interview in the second county for a redetermination of eligibility in order for that county to ensure that the family continues to remain eligible for benefits. The amendment to section 40-188 will exempt non-needy caretaker relatives who are receiving CalWORKs program benefits on behalf of a child who is a dependent of the court from the eligibility redetermination interview in the new county to comply with Welfare & Institutions Code section 11052.6, which was added in SB 1160 (Ch. 484, Stats. 2008).

Title MPP

California Code of Regulations

AMEND: 40-188

Filed 08/26/2010

Effective 09/25/2010

Agency Contact:

Zaid Dominguez (916) 657-2586

File# 2010-0721-01

DEPARTMENT OF SOCIAL SERVICES**Homeless Assistance Domestic Violence Provisions**

This rulemaking action amends the California Department of Social Services Manual of Policies and Procedures to conform to statutory changes made by Assembly Bill 335, Chapter 726 of 2007. Specifically, the rulemaking action removes the requirement that a homeless person's need for homelessness assistance on the basis of domestic violence must be verified by a third-party governmental or private health and human services agency. Consistent with California Welfare and Institutions Code 11450, the amended regulation allows for a homeless person's application for assistance, based on domestic violence, to be self-verified by the applicant's own sworn statement of domestic abuse, unless the county documents in writing an independent and reasonable basis for determining that the applicant is not credible.

The rulemaking also amends the regulation to conform to three other related changes from the statute regarding: 1) the county welfare department's duty to inform applicants of available domestic violence coun-

seling and services; 2) the county's duty to make those services part of any homelessness avoidance case plan the county requires the applicant to follow; and 3) the county's duty to revisit what additional services might assist an applicant who has received homelessness avoidance services based on domestic violence in the past but who has not left a violent situation.

Title MPP

California Code of Regulations

AMEND: 44-211

Filed 08/26/2010

Effective 09/25/2010

Agency Contact:

Zaid Dominguez (916) 657-2586

File# 2010-0721-02

DEPARTMENT OF SOCIAL SERVICES**AB 1808 Penalty Pass-on Regulations**

This rulemaking action makes permanent the emergency regulations establishing the rules for the California Department of Social Services to use in passing on to counties one half of the penalties assessed against the state by the U.S. Department of Health and Human Services for the state's failure to meet TANF (Temporary Assistance to Needy Families) required Work Participation Rates. The rulemaking also specifies data reporting requirements, and the grounds for exceptions and reductions to, and relief from, the passing on of these penalties to counties.

Title MPP

California Code of Regulations

ADOPT: 91-101, 91-110, 91-120, 91-130, 91-140

Filed 08/26/2010

Effective 08/26/2010

Agency Contact:

Zaid Dominguez (916) 657-2586

File# 2010-0726-04

OCCUPATIONAL SAFETY AND HEALTH**STANDARDS BOARD****Application**

This change without regulatory effect updates a reference to "Compressed Air Safety Orders" to reflect the reorganization and renaming of the standards as a new group within the General Industrial Safety Orders titled "Pressurized Worksite Standards" (see OAL file no. 2006-0221-03S).

Title 8

California Code of Regulations

AMEND: 1502

Filed 09/01/2010

Agency Contact: Marley Hart

(916) 274-5721

File# 2010-0719-05

OCCUPATIONAL SAFETY AND HEALTH
STANDARDS BOARD

Other Confined Space Operations

This action amends existing provisions governing breathing hazards in confined space operations by correcting an internal cross-reference to air quality requirements. The former cross-reference incorrectly referenced medical evaluations.

Title 8

California Code of Regulations

AMEND: 5158

Filed 08/30/2010

Effective 09/29/2010

Agency Contact: Marley Hart (916) 274-5721

File# 2010-0719-06

OCCUPATIONAL SAFETY AND HEALTH
STANDARDS BOARD

Update of Welding Fire Prevention and Suppression Procedures

This action amends existing provisions governing welding fire suppression and prevention by updating the reference to and incorporating by reference four chapters of the 2009 version of the National Fire Protection Association (NFPA) 51B-2009 Standard for Fire Prevention During Welding, Cutting, and Other Hot Work.

Title 8

California Code of Regulations

AMEND: 4848

Filed 08/30/2010

Effective 09/29/2010

Agency Contact: Christina Witte (916) 274-5721

File# 2010-0727-02

OCCUPATIONAL SAFETY AND HEALTH
STANDARDS BOARD

Cadmium

This change without regulatory effect corrects a typographical error in an acronym used to refer to the National Institute for Occupational Safety and Health's Registry of Toxic Effects of Chemical Substances.

Title 8

California Code of Regulations

AMEND: Appendix B following section 5207

Filed 08/25/2010

Agency Contact: Marley Hart (916) 274-5721

File# 2010-0720-07

SCHOLARSHARE INVESTMENT BOARD
CalSAVE Program

The Scholarshare Investment Board is adopting five new sections in Title 5 of the California Code of Regulations. These new sections are being adopted to implement SIB's responsibilities related to the California Scholarshare Advancement Vehicle for Education (CalSAVE) Program. In 2008 Governor Schwarzenegger signed into law Senate Bill 1457, the CalSAVE Act. This Act established within the Scholarshare trust the CalSAVE program with the intent of creating scholarships for beneficiaries determined by the board.

Title 5

California Code of Regulations

ADOPT: 30960, 30961, 30962, 30963, 30964

Filed 08/30/2010

Effective 09/29/2010

Agency Contact: Kristin Smith (916) 651-9479

File# 2010-0721-04

STATE PERSONNEL BOARD

Promotional Exams and CEA Eligibility for Appt. (2 CCR 234 & 548.70)

The State Personnel Board (Board) amends California Code of Regulations, title 2, sections 234 and 548.70. The amendments implement changes to Government Code sections 18546, 18990, 18991, and 19889.3 regarding eligibility for Career Executive Assignment (CEA) appointments and promotional examinations. The amendments are exempt from the APA pursuant to Government Code section 18211.

Title 2

California Code of Regulations

AMEND: 234, 548.70

Filed 09/01/2010

Effective 09/01/2010

Agency Contact: Chian He (916) 653-1403

**CCR CHANGES FILED
WITH THE SECRETARY OF STATE
WITHIN March 31, 2010 TO
September 1, 2010**

All regulatory actions filed by OAL during this period are listed below by California Code of Regulations titles, then by date filed with the Secretary of State, with the Manual of Policies and Procedures changes adopted by the Department of Social Services listed last. For further information on a particular file, contact the person listed in the Summary of Regulatory Actions section of the Notice Register published on the first Friday more than nine days after the date filed.

Title 2

09/01/10 AMEND: 234, 548.70
 08/18/10 ADOPT: 51.3, 52.1, 52.2, 52.3, 52.5, 52.8, 52.10, 53.1, 53.2, 53.3, 53.4, 54.1, 55.1, 56.1, 56.2, 56.3, 56.4, 57.1, 57.2, 58.1, 58.2, 58.6, 58.7, 58.9, 58.10, 58.11, 59.2, 59.3, 59.4, 60.1, 63.1, 64.1, 64.2, 64.3, 64.4, 64.5, 64.6 AMEND: 51 (renumbered to 51.1), 51.1 (renumbered to 51.2), 51.2 (renumbered to 52.4), 52.3 (renumbered to 52.6), 51.9 (renumbered to 52.7), 51.5 (renumbered to 52.9), 52.6 (renumbered to 55.2), 52.2 (renumbered to 58.3), 51.4 (renumbered to 58.4), 52.1 (renumbered to 58.5), 57.2 (renumbered to 59.1), 52.5 (renumbered to 60.2), 57.3 (renumbered to 60.3), 53.1 (renumbered to 66.1), 56 (renumbered to 67.1), 56.1 (renumbered to 67.2), 56.2 (renumbered to 67.3), 56.3 (renumbered to 67.4), 56.4 (renumbered to 67.5), 56.5 (renumbered to 67.6), 56.6 (renumbered to 67.7), 56.7 (renumbered to 67.8) REPEAL: 51.3, 52, 52.4, 53, 53.2, 54, 54.2, 56.8, 57.1, 57.4, 60, 60.1, 60.2, 60.3, 60.4, 60.5, 60.6, 60.7, 60.8, 60.9, 60.10, 65, 547, 547.1
 08/13/10 AMEND: 18707
 07/08/10 AMEND: 18313.5(c)
 07/06/10 AMEND: 51000
 07/01/10 AMEND: 1859.90.1
 06/24/10 ADOPT: 1859.90.1 AMEND: 1859.90.1 renumbered as 1859.90.2, 1859.129, 1859.197
 06/24/10 AMEND: 47000, 47001, 47002
 06/23/10 AMEND: 1859.184
 06/17/10 AMEND: 18703.3
 06/17/10 ADOPT: 18313.5
 06/09/10 AMEND: Div. 8, Ch. 64, Sec. 55300
 05/25/10 AMEND: div. 8, ch. 65, sec. 55400
 05/11/10 AMEND: 18945
 05/06/10 AMEND: 1859.2
 05/03/10 AMEND: 60040, 60045
 04/21/10 AMEND: 1859.96, 1859.148.2, 1859.166.2
 04/08/10 AMEND: 1859.76

Title 3

08/26/10 AMEND: 3406(b)
 08/26/10 AMEND: 3406(b)
 08/26/10 AMEND: 3434(b) & (c)
 08/26/10 ADOPT: 6531 AMEND: 6502, 6511, 6530
 08/24/10 AMEND: 3700(c)
 08/19/10 AMEND: 3423(b)
 08/17/10 AMEND: 3437

08/16/10 AMEND: 3425(b) and (c)
 08/13/10 AMEND: 3591.15(a) and (b)
 08/11/10 AMEND: 3437
 08/05/10 AMEND: 3423(b)
 07/26/10 AMEND: 3435(c)
 07/20/10 AMEND: 3437
 07/16/10 AMEND: 3434(b) and (c)
 07/13/10 AMEND: 3591.20(a)
 07/07/10 ADOPT: 3591.24
 07/01/10 AMEND: 3437
 06/30/10 AMEND: 3423(b)
 06/18/10 AMEND: 6448, 6448.1, 6449, 6449.1, 6450, 6450.1, 6450.2, 6451, 6451.1
 06/10/10 ADOPT: 429, 430 AMEND: 441
 06/10/10 ADOPT: 3024.5, 3024.6, 3024.7, and 3024.8 AMEND: 3024, 3024.1, 3024.2, 3024.3, 3024.4, and 4603
 06/09/10 AMEND: 3434(b), (c), (d), and (e)
 06/07/10 AMEND: 4500
 06/02/10 AMEND: 3435
 06/01/10 AMEND: 3437(b)
 05/24/10 AMEND: 3434(b)
 05/17/10 AMEND: 3591.5(a)
 05/17/10 ADOPT: 3701, 3701.1, 3701.2, 3701.3, 3701.4, 3701.5, 3701.6, 3701.7, 3701.8 AMEND: 3407(e), 3407(f) REPEAL: 3000, 3001, 3002, 3003, 3004
 05/13/10 AMEND: 3437
 05/04/10 AMEND: 3423(b)
 05/04/10 AMEND: 3437(b)
 05/04/10 AMEND: 3434(b)
 05/03/10 AMEND: 3434(b), 3434(c) and 3434(d)
 04/22/10 AMEND: 3434(b)
 04/22/10 AMEND: 3406(b), 3406(c)
 04/20/10 AMEND: 3437(b)
 04/15/10 AMEND: 3434(b)
 04/05/10 AMEND: 3434(b)

Title 4

08/30/10 ADOPT: 213.2 AMEND: 211, 213, 293, 405
 08/20/10 AMEND: 130
 08/16/10 AMEND: 1689
 07/29/10 ADOPT: 5170, 5180, 5181, 5182, 5183, 5190, 5191, 5192, 5193, 5194, 5200, 5210, 5211, 5212, 5220, 5230, 5231, 5232, 5240, 5250, 5260, 5265, 5266, 5267, 5268, 5269, 5270, 5275, 5280, 5281, 5282, 5283, 5290, 5291, 5300, 5310, 5311, 5312, 5313, 5314, 5315, 5320, 5321, 5330, 5340, 5350, 5360, 5370, 5371, 5372, 5380, 5381, 5382, 5383, 5384, 5400, 5410, 5411, 5420, 5421, 5422, 5423, 5430, 5431, 5432, 5433, 5434, 5435, 5440, 5450, 5460,

	5461, 5470, 5560, 5570, 5571, 5572, 5573, 5580, 5590	70000, 70010, 70020, 71100, 71110, 71120, 71130, 71140, 71150, 71160, 71170, 71180, 71190, 71200, 71210, 71220, 71230, 71240, 71250, 71260, 71270, 71280, 71290, 71300, 71310, 71340, 71380, 71400, 71405, 71450, 71455, 71460, 71465, 71470, 71500, 71550, 71600, 71630, 71700, 71705, 71710, 71715, 71720, 71730, 71735, 71740, 71745, 71770, 71810, 71850, 71865, 71920, 71930, 74000, 74002, 74004, 74006, 74120, 74130, 74140, 74150, 74160, 74170, 74190, 74200, 76000, 76120, 76130, 76200, 76210, 76215
07/22/10	AMEND: 10300, 10302, 10305, 10310, 10315, 10317, 10320, 10322, 10323, 10325, 10326, 10327, 10328, 10330, 10335, 10337	REPEAL: 70030, 71000, 71005, 71010, 71020, 71330, 71360, 71410, 71415, 71420, 71490, 71495, 71505, 71510, 71515, 71520, 71555, 71560, 71565, 71605, 71610, 71615, 71650, 71655, 71725, 71775, 71800, 71805, 71830, 71855, 71860, 71870, 71875, 71880, 71885, 71890, 71900, 71905, 71910, 72000, 72005, 72010, 72020, 72101, 72105, 72110, 72120, 72130, 72140, 72150, 72160, 72170, 72180, 72190, 72200, 72210, 72220, 72230, 72240, 72250, 72260, 72270, 72280, 72290, 72300, 72310, 72330, 72340, 72360, 72380, 72400, 72405, 72410, 72415, 72420, 72450, 72455, 72460, 72465, 72470, 72500, 72505, 72515, 72520, 72550, 72555, 72560, 72565, 72570, 72600, 72605, 72610, 72615, 72650, 72655, 72700, 72701, 72705, 72710, 72715, 72720, 72725, 72730, 72735, 72740, 72745, 72770, 72775, 72800, 72805, 72810, 72830, 72850, 72855, 72860, 72865, 72870, 72875, 72880, 72885, 72890, 72900, 72905, 72910, 72915, 72920, 72930, 73000, 73010, 73100, 73110, 73120, 73130, 73140, 73150, 73160, 73165, 73170, 73180, 73190, 73200, 73210, 73220, 73230, 73240, 73260, 73270, 73280, 73290, 73300, 73310, 73320, 73330, 73340, 73350, 73360, 73380, 73390, 73400, 73410, 73420, 73430, 73440, 73470, 73480, 73500, 73520, 73530, 73540, 73550, 73600, 73610, 73620, 73630, 73640, 73650, 73660, 73670, 73680, 73690, 73700, 73710, 73720, 73730, 73740, 73750, 73760, 73765, 73770, 73780, 73790, 73800, 73820, 73830, 73831, 73832, 73850, 73860,
07/13/10	AMEND: 8034, 8035, 8042, 8043	
07/12/10	ADOPT: 5000, 5010, 5020, 5021, 5030, 5031, 5032, 5033, 5034, 5035, 5036, 5037, 5038, 5039, 5050, 5051, 5052, 5053, 5054, 5055, 5056, 5060, 5061, 5062, 5063, 5064, 5080, 5081, 5082, 5100, 5101, 5102, 5103, 5104, 5105, 5106, 5107, 5120, 5130, 5131, 5132, 5140, 5141, 5142, 5143, 5150, 5151, 5152, 5153, 5154, 5155, 5480, 5490, 5491, 5492, 5493, 5494, 5500, 5510, 5520, 5530, 5531, 5532, 5533, 5534, 5540, and 5550	
06/21/10	AMEND: 8070, 8072, 8073, 8074	
06/09/10	AMEND: 1689.1	
06/01/10	AMEND: 10020	
05/17/10	ADOPT: 12590 REPEAL: 12590	
04/29/10	AMEND: 8034, 8035, 8042, 8043	
04/13/10	ADOPT: 12350, 12351, 12352, 12353, 12354, 12355 AMEND: 12008, 12335, 12340, 12342, 12343 renumbered as and merged with amended 12342, 12344 renumbered as and merged with amended 12345, and 12348 renumbered as 12346 REPEAL: 12347	
04/06/10	ADOPT: 12372, 12395, 12396 AMEND: 12370	
Title 5		
08/30/10	ADOPT: 30960, 30961, 30962, 30963, 30964	
08/24/10	REPEAL: 18015	
08/20/10	AMEND: 80001	
08/19/10	ADOPT: 59204.1	
08/19/10	ADOPT: 11967.6.1 AMEND: 11967.6	
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 100101, 100102, 100103, 100104,
 100105, 100106, 100107, 100108,
 100109, 100110, 100111, 100112,
 100113, 100114, 100115, 100116,
 100117, 100118, 100119, 100120,
 100121, 100122, 100123, 100124,
 100125, 100126, 100127, 100128,
 100129, 100130
 05/18/10 ADOPT: 100059.1, 100061.2 AMEND:
 100057, 100058, 100059, 100059.2,
 100060, 100061, 100061.1, 100062,
 100063, 100063.1, 100064, 100064.1,
 100065, 100066, 100067, 100068,
 100069, 100070, 100071, 100072,
 100073, 100074, 100075, 100076,
 100077, 100078, 100079, 100080,
 100081, 100082, 100083
 05/18/10 ADOPT: 100340, 100341, 100342,
 100343, 100343.1, 100343.2, 100343.3,
 100344, 100345, 100346, 100346.1,
 100347, 100348, 100349
 05/18/10 ADOPT: 100202.1, 100206.1, 100206.2,
 100206.3, 100206.4, 100208.1,
 100211.1, 100214.1, 100214.2, 100214.3
 AMEND: 100201, 100202, 100203,
 100204, 100205, 100206, 100207,
 100208, 100209, 100210, 100211,
 100212, 100213, 100214, 100215,
 100216, 100217 REPEAL: 100218
 05/12/10 ADOPT: 5300, 5400 AMEND: 5002,
 5010, 5052, 5055, 5062, 5102, 5105

05/12/10 AMEND: 11-425, 22-001, 22-003,
 22-009, 45-302, 45-303, 45-304,
 45-305, 45-306

05/06/10 AMEND: 66273.36

04/08/10 AMEND: 50778

04/05/10 AMEND: 4446.5

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07/09/10 ADOPT: 87606 AMEND: 87202, 87208,
 87212, 87455, 87633

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07/19/10 ADOPT: 6932 REPEAL: 6932

07/12/10 ADOPT: 3929.3

07/12/10 ADOPT: 3919.8

05/20/10 ADOPT: 2910 REPEAL: 2910

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07/19/10 ADOPT: 6932 REPEAL: 6932

06/11/10 AMEND: 8315

05/25/10 AMEND: 7966, 7970

03/26/10 AMEND: 10001

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07/13/10 AMEND: 25705(b)

04/09/10 ADOPT: 22100, 22101, 22103, Division
 2 Form CalRecycle 114 AMEND: 20164,
 21200, 21570, 21640, 21685, 21820,
 21840, 21865, 21880, 22102, 22211,
 22220, 22221, 22231, 22234, 22245,
 22248, Division 2 Appendix 3, Division 2
 form Calrecycle 100, Division 2 form
 Calrecycle 106

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08/26/10 AMEND: 40-188

08/26/10 AMEND: 44-211

08/26/10 ADOPT: 91-101, 91-110, 91-120,
 91-130, 91-140

06/10/10 AMEND: 42-302, 42-712, 42-713

06/02/10 AMEND: 19-005

05/17/10 ADOPT: 31-021 AMEND: 31-003,
 31-410, 31-501

05/17/10 AMEND: 44-211

05/10/10 AMEND: 11-425, 22-001, 22-003,
 22-009, 45-302, 45-303, 45-304,
 45-305, 45-306